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UNAPPROVED

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THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 7, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:03 p.m. Council President Peters recessed the meeting at 3:05 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:10 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:36 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc)

FILE LOCATION: MINUTES

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ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Wayne Riggs of Plymouth Congregational Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

FILE LOCATION: MINUTES

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CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *City of San Diego v. Gabriel, Roeder, Smith & Company and Rick A. Roeder*
San Diego Superior Court Case No. GIC 852419 [Severed]

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 8, 2007

EACA Assigned: D. McGrath

In Closed Session, the Executive Assistant City Attorney will brief the Mayor and City Council on the litigation's status and request retention of outside counsel in the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:33 p.m.)

Council President Peters closed the hearing.

CS-2 *La Jolla Alta Master Council v. City of San Diego*
San Diego Superior Court Case No. GIC 822281

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 8, 2007

DCA Assigned: J. Boardman

This matter is a lawsuit filed by the La Jolla Alta Master Council for inverse condemnation and declaratory and injunctive relief. In Closed Session, the City Attorney will brief the Council on the status of the litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:33 p.m.)

Council President Peters closed the hearing.

- CS-3 *Grace Church of North County v. City of San Diego, Rancho Bernardo Planning Board and San Diego Planning Commission*
United States District Court Case No. 07cv0419 H (RBB)

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 8, 2007

DCA Assigned: C. Fitzgerald

Grace Church of North County Plaintiff in this matter filed an action in the Southern District Court alleging constitutional violations arising from the approval by the Planning Commission for a Conditional Use Permit for a time shorter than was requested. Grace Church alleges that the City violated its constitutional rights to free exercise of religion when it approved a 5-year Conditional Use Permit instead of the 10 years requested by the Church. The Complaint sets forth 15 causes of action: Violation of Religious Land Use and Institutionalized Persons Act, Violations of the First Amendment, Violations of the Fourteenth Amendment, Violations of California Constitution, Invalidation of Agency and City Actions, Declaratory Relief and Petition for Writ of Mandate

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:33 p.m.)

Council President Peters closed the hearing.

- CS-4 *City of San Diego v. Tracy Means, et al.*
San Diego Superior Court Case No. GIC 858344

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 8, 2007

DCA Assigned: S. Ferguson

This matter involves a proposed settlement between the City and Defendants Michael Hodges, Roberta Thompson, Airport Business, Inc., ABS Airport Consultancy, Inc., dba Airport Business Solutions, and Thompson Aviation Consulting, Inc., in ongoing litigation relating to the circumstances surrounding the awarding of consulting contracts to these Defendants. In Closed Session, the City Attorney will present the final settlement offer of these Defendants to Council.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:33 p.m.)

Council President Peters closed the hearing.

**CS-5 *Philip K. Paulson v. City of San Diego, et al.*
United States District Court Case No. 89cv820 GT (POR)
Steve Trunk and Philip K. Paulson v. City of San Diego, et al.
United States District Court Case No. 06cv1597**

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 8, 2007

DCA Assigned: D. Karlin

In 1989, Philip K. Paulson initiated the above-entitled action against the City of San Diego relating to the presence of a Latin memorial cross within the Mt. Soledad Veterans Memorial. In Closed Session, the City Attorney will update the City Council on the litigation's status and discuss a recently filed motion for attorney's fees and costs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:33 p.m. – 2:33 p.m.)

Council President Peters closed the hearing.

ITEM-200: Step VI Grievance from the International Association of Fire Fighters, Local 145 regarding Fire Fighter Steve Choi.

(See Report to the City Council No. 07-064.)

(Continued from the meeting of April 23, 2007, Item 201, at the request of Mayor Sanders, for further review.)

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STAFF'S RECOMMENDATION:

Hear the grievance and determine the outcome.

GRIEVANCE HEARD AND DENIED

STAFF SUPPORTING INFORMATION:

The International Association of Fire Fighters, Local 145 (Local 145), on behalf of Fire Fighter Steve Choi, has appealed the Step V grievance response prepared by the Labor Relations Office on behalf of the Mayor to the full City Council. Step VI of the Grievance Procedure, Article 25 of the Memorandum of Understanding (MOU) between the City of San Diego and Local 145 provides for this option.

The grievance cites a violation of Article 43 of the MOU and denial of Mr. Choi's due process rights. Following a determination by the City's Emergency Medical Services Medical Director of unsatisfactory skills and judgement during critical clinical circumstances Mr. Choi was reassigned from his fire fighter/paramedic position. Effective December 4, 2004, Mr. Choi stopped receiving paramedic premium pay. The performance issues giving rise to this action are documented in the September 19, 2004 memorandum from Battallion Chief Criss Brainard, Steve Choi Documentation.

As resolution to this grievance, Local 145 is requesting that Mr. Choi be reinstated to the fire fighter/paramedic position he previously occupied and be fully compensated for the loss of paramedic premium pay retroactively to December 4, 2004.

As Mr. Choi was not assigned to a fire fighter/paramedic position, it is staff's view, pursuant to Article 43, that Mr. Choi would be ineligible for retroactive payment of the paramedic premium. Staff is not aware of any employee property right related to position assignments or premium pay. The Fire-Rescue Department is not comfortable with reinstating Mr. Choi to a paramedic position and the City Attorney's office has opined that doing so would expose the City to substantial risk of liability.

FISCAL CONSIDERATIONS:

\$25,368 to retroactively compensate Mr. Choi for the Paramedic Premium for the period from December 4, 2004 through January 26, 2007.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

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COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

International Association of Fire Fighters, Local 145 City of San Diego.

Chadwick/Reynolds

Staff: Scott Chadwick - (619) 236-5587

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:11 p.m. – 4:34 p.m.)

MOTION BY HUESO TO DENY THE GRIEVANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-201: Pursuant to the San Diego Municipal Code Section 22.0710, the City Auditor and Comptroller's Office is Requesting a Hearing on the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending June 30, 2003.

(See Report to the City Council 07-065 and City of San Diego's Fiscal Year 2003 Comprehensive Annual Financial Report.)

(Continued from the meeting of April 23, 2007, at the request of Councilmembers Faulconer and Frye, for further review.)

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Take the following actions:

CONTINUED TO MONDAY, MAY 14, 2007

Receiving and filing the Fiscal Year 2003 City's Comprehensive Annual Financial Report (CAFR);

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

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SUPPORTING INFORMATION:

Consistent with the remedial recommendation contained in the Report of the Audit Committee of the City of San Diego (Kroll Report) dated August 8, 2006, staff has provided numerous drafts of the CAFR to the City Council for their review and comment prior to the April 16, 2007 City Council meeting where this document will be discussed. At this meeting staff is recommending that it be received by the City Council as final. This document has been approved by the City's Disclosure Practices Working Group (DPWG) and the certificate of approval has been attached to this agenda item.

The public may obtain a copy of the City's 2003 CAFR on the City website at no charge.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

October 16, 2006 Council Meeting.

Levin/Goldstone

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:21 p.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO MONDAY, MAY 14, 2007, WITH DIRECTION TO REFER TO THE AUDIT COMMITTEE AND INCLUDE A COPY OF ANY RESOLUTION THAT THE COUNCIL WOULD BE REQUESTED TO ACT UPON BY WEDNESDAY, MAY 9, 2007. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-202: Del Mar Heights Road Maintenance Assessment District Formation

(See Report to the City Council No. 07-068. Torrey Pines Community Plan Area. District 1.)

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STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-997)

CONTINUED TO MONDAY, MAY 14, 2007

Resolution of Intention to form the Del Mar Heights Road Maintenance Assessment District and to levy and collect Fiscal Year 2008 Annual Assessments on Del Mar Heights Road Maintenance Assessment District.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This City Council action is to start the process to form a new maintenance assessment district to maintain landscaping improvements along certain sections of Del Mar Heights Road. Under the guidelines of Proposition 218, all property owners receiving benefit from the improvements within the district have an opportunity to vote in favor or in opposition to the formation of this maintenance assessment district: community driven or developer driven. This request is community driven.

STAFF RECOMMENDATION:

Authorize the commencement of the 45-day balloting period as required by law and schedule a public hearing for July 10, 2007.

SUMMARY:

This action authorizes the ballot protest proceedings to form the Del Mar Heights Road Maintenance Assessment District. If approved by the property owner vote, this action also authorizes the Fiscal Year 2008 assessment and budget. The District is located in the Torrey Pines Community Planning Area along the Del Mar Heights Road corridor bounded by Crest Canyon Open Space park to the north, Torrey Pines State Reserve to the south, the City of Del Mar to the west, and Interstate 5 to the east.

The purpose of the District is to fund the enhanced maintenance of landscaped and hardscaped improvements including identified medians, curbs, and gutters.

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FISCAL CONSIDERATIONS:

Approximately \$ 51,034 will be assessed to the property owners within the District in Fiscal Year 2008. The City owns one assessable parcel in the District. The General Fund impact is \$22.90 for FY 2008. The District will be entitled to a contribution from the Gas Tax Fund 30219 in the amount of \$4,188. These funds are included in the proposed Fiscal Year 2008 Budget Process. The proposed Fiscal Year 2008 budget for the District is as follows:

	<u>FY 2008</u>	<u>Maximum Authorized</u>
EXPENSES		
Personnel	\$1,500	\$4,505
Landscape Contract	\$7,178	\$34,183
Incidentals	\$801	\$1,841
Administration	\$3,000	\$3,686
Utilities (energy, water utilities & storm drain fee)	\$0	\$719
Repayment to MAD Formation Fund (one-time expense)	<u>\$30,000</u>	<u>\$0</u>
TOTAL EXPENSES	\$42,479	\$44,934
REVENUES		
Assessments	\$51,034	\$52,590
City Contributions - Gas Tax	<u>\$4,188</u>	<u>\$5,824</u>
TOTAL REVENUES	\$55,222	\$58,414
FUND BALANCE (Carryover & Reserve)		
Allocated Reserve/Carryover (20% of operating budget)	\$8,495	\$8,987
Required Minimum Reserve (10% of operating budget)	<u>\$4,248</u>	<u>\$4,493</u>
TOTAL FUND BALANCE	\$12,743	\$13,480

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The majority of the assessments will be borne by residences within the community. The community submitted a petition and was granted use of City formation funding in September 2005. The Torrey Pines Planning Group endorsed the formation at its October 12th 2006 meeting. The Del Mar Heights Rd. Advisory Group has supported the effort and, in conjunction with the Planning Group, held a community outreach and information meeting on March 8, 2007. Some community opposition to this formation has been expressed.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders in the area are the local residences, the Del Mar Union High School District, Safeway Stores Inc., Longs Drug Inc., and several smaller businesses. Information and outreach efforts are being made to all stakeholders.

Reynolds/LoMedico/ CB

Staff: Clay Bingham – (619) 533-6724
Pedro De Lara, Jr. – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:14 p.m.)

MOTION BY ATKINS TO CONTINUE TO MONDAY, MAY 14, 2007, TO MEET
NOTICING REQUIREMENTS, AS REQUESTED BY THE CITY ATTORNEY.

Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea,
Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-203: North Park Maintenance Assessment District – Reballot.

(See Report to the City Council No. 07-069. North Park Community Area.
District 3).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1000) CONTINUED TO MONDAY, MAY 14, 2007

Resolution of Intention to levy and collect Fiscal Year 2008 Annual Assessments
on North Park Maintenance Assessment District.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This City Council action will increase the Fiscal Year 2008 assessments for the North Park Maintenance Assessment District. The District is generally located north of Upas and Juniper Streets, south of Monroe Avenue, west of Interstate 805, and east of Georgia Street.

Projects authorized by the current District have largely been completed. In response to the limited services the current District can provide, and in reaction to community outreach which identified a need for enhanced future community improvements and services within the District, community representatives have requested that the City initiate proceedings to allow for an increase in assessments beyond the amount currently authorized.

STAFF RECOMMENDATION:

Authorize the commencement of the 45-day balloting period as required by law and schedule a public hearing for July 10, 2007.

EXECUTIVE SUMMARY:

Authorize the commencement of the 45-day balloting period as required by law and schedule a public hearing for July 10, 2007.

FISCAL CONSIDERATIONS:

Approximately \$533,937 will be assessed to property owners within the District in Fiscal Year 2008. The City owns 78 assessable parcels in the District, and it is estimated that the General Fund impact will increase from \$3,136.50 to \$4,426.46. The District will be entitled to a contribution from Gas Tax Fund 30219 in the amount of \$20,221. These funds have already been requested as part of the Fiscal Year 2008 budget process. The proposed Fiscal Year 2008 Budget for the District is as follows:

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	FY 2008 <u>(1)(2)</u>	Maximum Authorized <u>(2)(3)</u>
OPENING FUND BALANCE		
Carryover Fund Balance	\$480,449	--
EXPENSES		
Personnel	\$ 38,952	\$ 38,952
Contractual Services	\$205,205	\$205,205
Neighborhood Services	\$442,507	\$442,507
Miscellaneous Services	\$ 17,084	\$ 17,084
Incidentals	\$ 31,352	\$ 31,352
Utilities	<u>\$ 50,751</u>	<u>\$ 50,751</u>
TOTAL EXPENSES	\$785,851	\$785,851
REVENUES		
Assessments	\$534,175	\$534,175
Interest	\$ 15,500	\$ 15,500
City Contributions – Gas Tax	<u>\$ 18,134</u>	<u>\$ 18,134</u>
TOTAL REVENUES	\$567,809	\$567,809
CLOSING FUND BALANCE	\$262,407	--

(1) FY 2008 is the City's Fiscal Year 2008, which begins July 1, 2007 and ends June 30, 2008.

(2) Individual line item expenses may be higher or lower than shown on an annual basis.

(3) Maximum authorized annual assessment subject to cost-indexing provisions contained in Assessment Engineers Report.

Annual assessments were calculated by an assessment engineer for parcels within the District and are based on each parcel's equivalent benefit unit (EBU), which is equivalent to one single family dwelling unit. This rate is impacted by parcel land use, benefit, acreage of non-residential properties, and location of properties. The proposed rate for Fiscal Year 2008 would be \$30.28 per EBU.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The District was originally established in April 1996, balloted for compliance with Proposition 218 in 1998, with provisions for additional improvements to be maintained by the District. The additional improvements were determined through a process of community participation and input, and property owners approved the re-engineering of the District with 61.5% of the weighted vote.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The membership of the North Park Maintenance Assessment District Citizen's Advisory Committee (NP CAC), consists of representatives from the following community organizations: Greater North Park Planning Committee, North Park Community Association, Altadena Neighborhood Association, El Cajon Boulevard Business Improvement District, North Park Law Enforcement Committee, San Diego County Apartment Association, North Park Redevelopment Project Area Committee, Burlingame Neighborhood Association and North Park Main Street. The committee also provides for one (1) Homeowner/Resident position. The committee member organizations passed resolutions in support of re-engineering the District on the following dates

1. North Park Project Area Committee: December 13, 2005
2. North Park Main Street: December 14, 2005
3. Greater North Park Planning Committee: January 17, 2006
4. North Park Community Association: January 25, 2006
5. Burlingame Neighborhood Association: February 3, 2006
6. El Cajon Business Improvement Association: February 13, 2006
7. Altadena Neighborhood Association: February 24, 2006
8. San Diego County Apartment Association: April 3, 2007

Additionally, the North Park Maintenance Assessment District CAC passed the following motions:

1. February 12, 2007 - Approved Fiscal Year 2008 Reballot Budget
2. March 12, 2007 - Approved North Park Assessment Engineer's Report

The North Park Maintenance Assessment District CAC has been gathering input and reviewing improvement areas and service levels for the past 17 months. In a survey of property owners located within the District in early 2006, nearly 80% of respondents were in favor of the re-engineering of a new district with a broader range of permissible improvements and services. Additionally, a "North Park Town Hall" meeting was conducted on April 8, 2006 in part to discuss the proposed re-engineering of the District and gather additional community input.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

In addition to the major stakeholder organizations mentioned above, residential property owners are approximately assessed 74% and commercial property owners 24% of the total revenue collected in the District. Under the proposed action, resident property owners will see an annual increase of \$11.59, while commercial property owner's increases will vary depending upon the relative acreage of their parcels.

LoMedico/Reynolds/CB

Staff: Clay Bingham – (619) 533-6724
Pedro DeLara, Jr. - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:07 p.m. – 2:14 p.m.)

MOTION BY ATKINS TO CONTINUE TO MONDAY, MAY 14, 2007, TO MEET
NOTICING REQUIREMENTS AS REQUESTED BY THE CITY ATTORNEY.

Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea,
Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-204: Mission Boulevard, Tentative Map.

Matter of the appeal by Jeffrey T. Ralston and David N. Catton of the Planning Commission's decision in denying an application for a Tentative Map to convert twelve (12) existing residential units to condominium ownership and to waive the requirement to underground existing overhead utilities. The project site is located at 3414 Mission Boulevard adjacent to Strand Way on the west, Lido Court on the north and an alley on the south, within the Mission Beach Planned District, NC-S zone of the Mission Beach Community Plan.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that

such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(Tentative Map No. 128189/Project No. 43665. Mission Beach Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Take the following action:

(R-2007-) GRANTED APPEAL AND GRANTED MAP;
ADOPTED AS RESOLUTION R-302585

Granting or denying the appeal and granting or denying Tentative Map No. 128189, and the request to waive the requirement to underground existing overhead utilities, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on January 25, 2007, voted 5-0-2 to deny staff's recommendation; no opposition.

Ayes: Schultz, Naslund, Garcia, Griswold, Otsuji
Not present: Ontai
(One vacancy)

The Mission Beach Precise Planning Board has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Appeal of the Planning Commission's decision to deny the Mission Boulevard Tentative Map - Project No. 43665 which includes the conversion of twelve (12) existing residential units to condominiums and a waiver of undergrounding utilities.

STAFF RECOMMENDATION:

1. APPROVE the appeal and APPROVE Tentative Map No. 128189; and
2. APPROVE waiver to the requirement to underground existing overhead utilities.

EXECUTIVE SUMMARY:

On January 25, 2007, the Planning Commission denied this condominium conversion project due to concerns regarding the condition of the buildings and inadequate off-street parking. The project proposes a Tentative Map for the subdivision of a 0.123-acre site to convert twelve-existing residential units (located within four two-story apartment buildings and four one-car garages, constructed in 1953) into condominiums on one lot. The applicant also requested that the requirement for the undergrounding of existing overhead utilities be waived.

The project site is located at 3414 Mission Boulevard, adjacent to Strand Way on the west, Lido Court on the north and an alley on the south, within the Mission Beach Planned District, NC-S

(Neighborhood Commercial – South (effective January 2, 1979) zone of the Mission Beach Community Plan. The previous zones for the site were CS (effective December 5, 1972) and the C zone (effective June 5, 1933).

The property was zoned C (commercial/retail and residential) at the time the twelve units were constructed, which did not include regulations for residential density limitation or minimum off-street parking. However, the current Mission Beach Planned District, NC-S zone would allow only five (5) units to be built on the property today.

The site provides four (4) existing off-street parking spaces where 24 would be required per the 2002 Land Development Code (LDC). The existing project was built prior to the issuance of Ordinance No. O-8379 NS (implemented in 1960) requiring dwelling units to provide off-street parking spaces. The site does deviate from current parking requirements; but, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the LDC.

The project site is also located within the Coastal Overlay Zone and is not subject to new condominium conversion regulations adopted by the City Council on June 13, 2006, until certified by the California Coastal Commission. The proposed project does lie within the State Coastal Permit jurisdiction and is required to get a Coastal Development Permit from the California Coastal Commission (and not the City of San Diego).

On January 25, 2007, the Planning Commission voted to deny the proposed condominium conversion because they were unable to accept Tentative Map Finding No. 2 (Attachment D) which reads: *The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code*

Section 125.0440.h and State Map Act Section 66412.3). The Planning Commission's primary concerns were the lack of adequate parking and the physical conditions of the four separate buildings.

Staff has determined that there is no basis for requiring additional off street parking or rehabilitation of the buildings due to previously conforming rights under Municipal Code Section 127.0101. The new City requirements for condominium conversions do not apply to this project. Therefore, City staff recommends that the City Council grant the appeal (Attachment A) and approve this project.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant through a deposit account with the City of San Diego.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None. See Planning Commission action above.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 22, 2004, the Mission Beach Precise Planning Board voted 13-0-0 to deny the project as proposed due to lack of parking for the twelve units.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Jeffrey T. Ralston and David N. Catton (owners)

Waring/Escobar-Eck/VL

Staff: Vena Lewis – (619) 446-5197

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:32 p.m. – 3:05 p.m.)

MOTION BY FAULCONER TO ADOPT THE RESOLUTION GRANTING THE APPEAL AND GRANTING THE MAP. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-nay, Madaffer-nay, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 4:36 p.m. in honor of the memory of.

Rod T. Westerling as requested by Council Member Atkins.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:35 p.m. – 4:36 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

UNAPPROVED

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THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 8, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:03 a.m. Council President Peters recessed the meeting at 11:19 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:24 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:54 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:01 p.m. with Council Member Hueso not present. Council President Peters recessed the meeting at 3:18 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:26 p.m. with Council Member Hueso not present. The meeting was adjourned by Council President Peters at 5:15 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

Clerk-Maland (mz/sr)

FILE LOCATION: MINUTES

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ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:09 a.m.)

PUBLIC COMMENT-2:

Joy Sunyata commented on government operations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:09 a.m. - 10:12 a.m.)

PUBLIC COMMENT-3:

Hud Collins commented on the pension and financial crisis and on invocations in Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. - 10:15 a.m.)

PUBLIC COMMENT-4:

Linda Smith commented on Americans with Disabilities Act issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. - 10:17 a.m.)

PUBLIC COMMENT-5:

Nick Moffit commented on a San Diego Union Tribune article, Development Services Department policies and the Planning Commission meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. - 10:20 a.m.)

PUBLIC COMMENT-6: **Referred to the City Attorney**

Michael Nitelshpur commented on disabled and senior citizen issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. - 10:24 a.m.)

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PUBLIC COMMENT-7:

Phil Hart commented on the use of consultants and contract management within the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:27 a.m.)

PUBLIC COMMENT-8: **Referred to Council Member Frye**

Homer Barrs commented on rent stabilization and the first right-of-refusal for trailer park occupants.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:30 a.m.)

PUBLIC COMMENT-9: **Referred to the City Attorney**

Paola Tresco commented on apartment building issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. - 10:34 a.m.)

PUBLIC COMMENT-10:

Katheryn Rhodes commented on the Sunroad Building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:36 a.m.)

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COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council President Peters invited the public to attend the La Jolla Historical Society's "Secret Garden Tour" on Saturday, May 19, 2007.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:03 a.m. - 10:04 a.m.)

COUNCIL COMMENT-2:

Council President Pro Tem Young welcomed participants involved in the "Community Solutions Regional Conference" who are working on initiatives to deal with gang violence, Thursday, May 10th at the San Diego Convention Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:04 a.m. - 10:05 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

- * ITEM-50: Amendment No. 3 to the Agreement with Tetra Tech for Sewer Pump Station 18 Phase II.

(See Executive Summary Sheet dated 3/14/2007. Pacific Beach Community Area. District 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/2007, Item S503. (Council voted 8-0):

(O-2007-110) ADOPTED AS ORDINANCE O-19615 (New Series)

Authorizing the Mayor, or designee, to execute the Third Amendment to the Agreement with Tetra Tech for additional engineering consulting services for Sewer Pump Station 18, Phase II, in an additional amount not to exceed \$92,396 for a total contract amount of \$950,447, provide that the City Auditor and Comptroller first furnishes a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the additional expenditure of \$92,396 from CIP-46-604.6, Sewer Pump Station 18 Phase II, Fund No. 41506 Sewer Fund, for Tetra Tech engineering consulting services for the upgrades on Sewer Pump Station 18;

Authorizing the City Auditor and Comptroller, upon advice from the administrative department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15378(c). This activity is a subsequent discretionary approval covered under Mitigated Negative Declaration, PTS No. 2830, September 25, 2002. The activity is adequately addressed in the environmental document and there is no change in circumstances, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines section 15162.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

- * ITEM-51: Twenty-Five Year Lease and Joint Use Agreement with the San Diego Unified School District for Mary Lanyon Fay Elementary School.

(Mid-City/City Heights Community Area. District 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/2007, Item S502, (Council voted 8-0):

(O-2007-119) ADOPTED AS ORDINANCE O-19616 (New Series)

Authorizing the Mayor, or his representative, to execute, for and on behalf of the City, a Twenty-Five Year Lease and Joint Use Agreement with the San Diego Unified School District for construction, operation, maintenance, and lease of turfed fields at Mary Lanyon Fay Elementary School, under the terms and conditions set forth in the Agreement;

Declaring this activity is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

NOTE: 6 votes required.

FILE LOCATION: LEAS Mary Lanyon Fay Elementary School

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-52: Salary Ordinance for FY 2007-2008.

(See memorandum from the City Attorney dated 4/16/2007; memorandums from Rich Snapper dated 3/13/2007, 1/12/2007, 11/7/2006, and 9/7/2006; and letter from Alfred C. Strohlein dated 4/22/2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/2007, Item S501, Subitem A. (Council voted 6-2. Councilmembers Atkins and Frye voted nay):

(O-2007-124 Cor. Copy) ADOPTED AS ORDINANCE O-19617 (New Series)

Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2007-2008.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:18 a.m.)

MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

* ITEM-60: Two actions related to Second Amendment to Agreement with the San Diego Community College District (SDCCD) for the Mira Mesa Recreational Complex.

(Mira Mesa Community Area. District 5.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2007-71) INTRODUCED; TO BE ADOPTED ON
TUESDAY, MAY 22, 2007

Introduction of an Ordinance authorizing the Mayor, or his representative, to execute, for and on behalf of the City of San Diego, the Second Amendment to Agreement between the City of San Diego and the San Diego Community College District (SDCCD) to reimburse the SDCCD for the construction of three parking areas to be constructed by the SDCCD as part of the Hourglass Field House - Parking Areas, a joint use project in the Mira Mesa Community;

Stating for the record that this is not a Project, and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

NOTE: 6 votes required.

Subitem-B: (R-2007-654 Cor. Copy) ADOPTED AS RESOLUTION R-302586

Authorizing the Fiscal Year 2007 Capital Improvements Program Budget by adding CIP-29-918.0, Hourglass Field House - Parking Areas relating to Mira Mesa Recreational Complex - Second Amendment to Agreement;

Authorizing the transfer of \$930,000 from CIP-29-756.0, Camino Ruiz Neighborhood Park, Fund No. 79006, Mira Mesa FBA, to CIP-29-918.0, Hourglass Field House - Parking Areas;

Authorizing the appropriation and reimbursement to SDCCD for the Joint Use Public Improvement Project CIP-29-918.0, Hourglass Field House - Parking Areas, per the term in the Second Amendment to Agreement.

STAFF SUPPORTING INFORMATION:

On September 25, 1989, CITY and SDCCD entered into an Agreement for the Lease, Construction, Maintenance and Operation of the Mira Mesa Recreational Complex (MMRC), the originals of which are on file in the Office of the City Clerk as Document No. 00-17347, herein referred to as Agreement. On April 30, 1990, First Amendment to Agreement was approved by Council, for the originals of which are on file in the Office of the City Clerk as Document No. 00-17464.

The original agreement and First Amendment added recreational amenities but did not consider additional parking. The popularity of the complex is exceptional and the community asked the Park and Recreation Department and SDCCD to consider joint use of the three additional parking areas. For the mutual benefit of both parties, the SDCCD and the City agree that the SDCCD will construct the three parking areas in order to accommodate public parking for users that utilize the recreational opportunities the MMRC will provide. The City agrees to reimburse the SDCCD with \$900,000 of Mira Mesa Facilities Benefit Assessment (FBA) funds, Fund 79006, by the end of December 2008, contingent on the parking areas being fully constructed and funding being available in the FBA. City and SDCCD mutually desire to amend the agreement to include the parking lot improvements as part of the MMRC.

The parking area usage is proposed as follows:

1. Parking Area #1, for City exclusive use, consisting of 81 spaces to be located adjacent to the new Field House.
2. Parking Area #2, for City exclusive use, consisting of 156 spaces to be located adjacent to the joint use entry driveway.
3. Parking Area #3, consisting of 86 spaces to be located adjacent to Black Mountain Road, for SDCCD use on Monday through Thursday, including evenings. The City will have use of the parking spaces in Parking Area #3 on Friday through Sunday. The SDCCD shall post signage as such.

FISCAL CONSIDERATIONS:

\$930,000 will be transferred in the Mira Mesa Facilities Benefit Assessment Fund from the Camino Ruiz Neighborhood Park project (CIP-29-756.0), which has been completed, to the Hourglass Field House project (CIP-29-918.0) to pay for the parking area improvements. \$900,000 will be transferred to the Community College District and \$30,000 will be used for in-house expenses to cover the site inspection, and staff coordination with the District for both the MMRC Field House and the Parking Areas project.

The City's annual maintenance costs for the two City exclusive uses and one joint use parking area are projected to be \$43,000. Since the MMRC serves as a population based recreational facility these annual expenses will be provided from the City's general fund. Per SDCCD schedule, the Field House is projected to be open to the public in FY08; therefore this funding will be requested during the FY08 budget process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 25, 1989, CITY and SDDCD entered into an Agreement for the lease, construction, maintenance and operation of the Mira Mesa Recreational Complex (MMRC), Document No. 00-17347. On April 30, 1990, a First Amendment to Agreement was approved as Document No. 00-17464.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Mira Mesa Recreation Council and the San Diego Community College District recommend the approval of this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Stakeholders: San Diego Community College District.

Penera/Martinez

Aud. Cert. 2700435.

Staff: Jim Winter - (619) 533-3040

Shannon M. Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-100: Two actions related to Inviting Bids for Bird Rock Sewer Improvement Project.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-963) ADOPTED AS RESOLUTION R-302587

Approving the plans and specifications for the construction of Bird Rock Sewer Improvement (Project);

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,282,070, available in the amount of \$2,121,472 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, \$134,000 from CIP-46-194.2, La Jolla Pacific Beach Trunk Sewer, and \$26,598 from Water Fund 41500, CIP-70-953.0, Torrey Pines/La Jolla Blvd. Water Main Replacement (La Jolla Blvd./Pacific Beach Water Main Accelerated-AC Overlay) solely and exclusively, to provide funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasury;

Declaring in accordance with Treasury Section 1.150-2 the City Council hereby conveys its intent that the Sewer funding may be bond reimbursed up to 80% by future short term or long term debt financing anticipated in May 2007, or April 2008;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2007-1017) ADOPTED AS RESOLUTION R-302588

Declaring that Project Number 6055 Addendum to Revised Mitigated Negative Declaration, No. 63654 for Sewer Group 714, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.). Revised Mitigated Negative Declaration No. 63654 is on file in the Office of the City Clerk;

Declaring the Addendum to the Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving that said Project No. 6055 Addendum to Mitigated Negative Declaration No. 63654 incorporated herein by this reference;

Adopting Project Number 6055 Addendum to Mitigated Negative Declaration No. 63654;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Executive Summary Sheet and incorporated herein by this reference, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

STAFF SUPPORTING INFORMATION:

Bird Rock Sewer Improvement project includes the replacement of approximately 1,680 feet of existing deteriorated sewer mains. The streets affected by this project are: La Jolla Blvd., Forward St., and La Jolla Mesa Dr. and Colima St. This project will be constructed as part of the Bird Rock Coastal Traffic Flow Improvement Project (CIP-52-717.0) in order to minimize the disruption to merchants along La Jolla Blvd. and the residents of the Bird Rock community. This project also includes pavement restoration work from several previous water/sewer improvements projects along La Jolla Blvd. including the La Jolla/Pacific Beach Trunk Sewer Chelsea Street Relocation and the La Jolla/Pacific Beach Water Main Replacement. Since the work of these projects overlapped with the area of the traffic improvements, this restoration work was deferred to avoid further disturbance during the construction of the Bird Rock Coastal Traffic Flow Improvement Project.

FISCAL CONSIDERATIONS:

The total estimated cost of the sewer and water portions of this project is \$2,282,070. Funding is available in an amount of \$2,121,472 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, \$134,000 from CIP-46-194.2, La Jolla/Pacific Beach Trunk Sewer, and in an amount of \$26,598 in Water Fund 41500, CIP-70-953.0, Torrey Pines/La Jolla Blvd. Water Main Replacement (La Jolla/Pacific Beach Water Main Accelerated-AC Overlay) for this purpose. The Sewer funding may be bond reimbursed up to 80% by future short term or long term debt financings anticipated in May 2007 or April 2008. Of the \$26,598 for street overlay for CIP-70-953.0, La Jolla/Pacific Beach Water Main Accelerated, \$18,618.60 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A. The remaining \$7,979.40 will be cash funded. The Auditor's Certificate will be issued prior to contract award. No future funding needs are anticipated.

PREVIOUS COUNCIL COMMITTEE ACTION:

Although the associated projects have had Council actions, no actions for this sewer and water work have been previously presented to Council.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Information about this project has been integrated into the presentations made to the Bird Rock Traffic Task Force Committee, Bird Rock Beautification Committee, and the Bird Rock Community Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Project Design Consultants, Darnell & Associates, and the previously listed community groups. Residents in this area will encounter inconvenience during construction.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-101: Brown Field Perimeter Security Fencing – Phase 1.

(Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1024) ADOPTED AS RESOLUTION R-302589

Authorizing the Mayor, or his designee, to apply FAA Airport Development Grant funds in the amount of Twenty-Five Thousand Six Hundred Fifty Dollars (\$25,650) to fund a change order for the Brown Field Perimeter Fence Project;

Authorizing the City Auditor and Comptroller to transfer Twenty-Four Thousand Three Hundred Fifty Dollars (\$24,350) from the Montgomery Airport Annual Allocation Fund 31-001.0 to CIP-31-176.0;

Authorizing the Mayor, or his designee, to appropriate and expend funds from CIP-31-176.0 for the Brown Field Perimeter Fence Project in a sum not to exceed Fifty Thousand Dollars (\$50,000);

Amending the Fiscal Year 2007 Capital Improvements Program, Brown Field Perimeter Fencing, to increase CIP-31-176.0, by Twenty-Five Thousand Six Hundred Fifty Dollars (\$25,650);

Authorizing the Mayor, or his designee, to execute a contract change order (Change Order) to that certain agreement entitled the Brown Field Perimeter Security Fencing-Phase 1, which was awarded on December 13, 2006, and is by and between the City and Morans Construction Inc. The change order is for the construction of an approximately 1,000 linear feet of perimeter security fencing for the Brown Field Perimeter Fence Project for an amount not to exceed \$38,314, and otherwise on terms and conditions deemed by the Mayor, or his designee, to be reasonable and in the best interests of the City;

Authorizing the City Auditor and Comptroller to disburse funds from CIP-31-176.0 to pay costs associated with the Change Order in an amount not to exceed Fifty Thousand Dollars (\$50,000).

STAFF SUPPORTING INFORMATION:

The purpose of this action is to request the authorization for the Mayor, or his representatives, to accept additional Federal grant funds to award Additive Alternate 1. This Additive Alternate will allow the contractor to secure the entire North side of Brown Field and enhance safety as required by the FAA Runway Safety Action Team (RSAT).

FISCAL CONSIDERATIONS:

The new total estimated cost of Phase I for the Brown Field Perimeter Fencing project, plus Additive Alternate No. 1 is \$230,000.

PREVIOUS COUNCIL AND COMMITTEE ACTIONS:

Resolution No. R-302175, dated December 15, 2006, authorized the Mayor to accept FAA Airport Development Grant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

During the design stages, this project was presented to the Airport Advisory Committee (AAC), who is in favor of this capital improvement. The users of Brown Field Airport will be briefed at upcoming AAC meetings, by the Deputy Director of the Airports Division.

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KEY STAKEHOLDERS & PROJECTED IMPACTS:

Key Stakeholders:

1. Morans Construction (Contractor - Low Bidder)
2. American Fencing (Materials Supplier)
3. Brown Field Airport users and businesses
4. FAA Tower and RSAT

Projected Impacts: No impacts expected.

Tussey/Waring

Aud. Cert. 2700631.

Staff: Mike Tussey - (858) 573-1441
John H. Serrano - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-102: Second Amendment to Agreement with Weston Solutions for As-Needed Professional Services for Water Quality Monitoring and Stormwater Management in an Amount Not To Exceed \$8,205,000 Over Three Years.

(See Independent Budget Analyst Report No. 07-48. Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-975) ADOPTED AS RESOLUTION R-302600

1. Authorizing the Mayor, or his designee, to execute all the remaining options in the Weston Solutions Agreement over the next three fiscal years, subject to paragraph 4 below;
2. Declaring the total maximum additional compensation to Weston Solutions over these three years shall be \$8,205,000; with \$3,140,000 of this total to be the maximum amount for Fiscal Year 2007; \$2,532,000 for Fiscal Year 2008; and \$2,532,000 for Fiscal Year 2009.
3. Authorizing the expenditure of a maximum amount not to exceed \$3,140,000 from the Stormwater Pollution Prevention Operating Fund, Fund No. 100, for the sole purpose of providing funds for Weston Solutions' services in Fiscal Year 2007.
4. Authorizing the expenditures of maximum amounts not to exceed \$2,532,000 for Fiscal Year 2008 and \$2,532,000 for Fiscal Year 2009 from the Stormwater Pollution Prevention Division Operating Fund, Fund No. 100, for the sole purpose of providing funds for Weston Solutions' services in Fiscal Year 2008 and Fiscal Year 2009, provided that the City Auditor and Comptroller first furnishes certificates demonstrating that the funds necessary for these expenditures are, or will be on deposit in the City Treasury.
5. Declaring the above activity is not a project and is categorically exempt from the California Environmental Quality Act as data collection, research, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource, pursuant to CEQA Guidelines Sections 15060(c)(2) and 15306.

STAFF SUPPORTING INFORMATION:

The Storm Water Pollution Prevention Division requires professional services on an as-needed basis to perform water quality monitoring, to prepare reports, Sampling and Analysis Plans, Quality Assurance Project Plans, confined space entry plans, project assessment and evaluation plans, and perform water and sediment sample collection, physical, chemical and biological analyses, and follow-up investigations. This work is needed to assist the City in complying with Municipal Storm Water Permit's monitoring and investigation requirements. The City also requires assistance with the development, monitoring and implementation of Total Maximum Daily Loads (TMDLs).

The TMDL program is a requirement of the Federal Clean Water Act that requires compliance with numeric limits for identified pollutants discharged into specific waterways. The impaired waterways are identified on the Federal Clean Water Act 303 (d) List when those waterways show that they have levels of pollutants above the approved water quality objectives. The listing of waterways requires the State Water Resources Control Board (State Board) and Regional Board to work with stakeholders to develop an implementation plan to achieve compliance with the water quality objectives within a given timeframe. Weston's assistance is needed to assist the City with providing input to the Regional Board on the development of the TMDL, reviewing technical reports, and to perform any necessary monitoring and reporting.

Weston's assistance is necessary to comply with the requirements of the State Water Resources Control Board's Ocean Plan requirements for Areas of Special Biological Significance (ASBS). The area offshore of La Jolla Shores is designated as an ASBS that requires water quality monitoring and development and implementation of best management practices to protect the marine ecosystem. Monitoring will also be a condition of the City's proposal for exception to the ASBS waste discharge prohibition. Current State proposed conditions of exception require the City to implement best management practices to eliminate the discharge of waste regardless of weather conditions within five (5) years. In October 2005, City Council was briefed on this issue and an additional \$75,000 was allocated to the Storm Water Pollution Prevention Division's budget to fund the exception application. The State Water Resources Control Board staff anticipates the conditions that will be attached to the exception will be published in July 2007.

In accordance with Council Policy 300-7, the City advertised for consultant services in the Daily Transcript, La Prensa, Integrated Marketing Systems and on the City Web Page on November 21, 2004. Three firms responded. The three firms were interviewed on January 25, 2005. Weston Solutions, Inc. was selected as the best qualified. Contract subconsultants include: RBF Consulting (civil and environmental engineering) and C. Valdo Corporation (civil and environmental engineering). The original agreement was for one (1) year with an amount not to exceed \$1,000,000. The original agreement also provide four (4) one-year options to renew for total agreement time period not to exceed five (5) years. The first one-year option to renew was approved by Resolution R-300928 for an amount not to exceed \$2,100,000. Currently, the agreement's compensation limit is not to exceed \$2,100,000 per year. The Storm Water Pollution Prevention Division is requesting to amend the agreement for the remaining agreement period and to increase the annual amount to \$3,140,000 with a total increase of \$8,205,000. Work will be authorized on a task order basis.

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FISCAL CONSIDERATIONS:

The City will expend funds in the amount not to exceed \$3,140,000 annually, \$8,205,000 over a three (3) year period from the General Services Department, Storm Water Pollution Prevention Division General Fund (#100) for the purpose of performing as-needed professional activities.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council originally authorized the agreement with Weston Solutions, Inc. on October 5, 2005, Document No. RR-300905.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Weston Solutions.

Sierra/Haas

Aud. Cert. 2700629.

Staff: Chris Zirkle - (619) 525-8644
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:02 p.m. – 5:10 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION TO INCREASE THE \$2.1 MILLION AGREEMENT IN FISCAL YEAR 2007 BY \$1 MILLION AND REFER TO THE NATURAL RESOURCES & CULTURE COMMITTEE. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-103: Watershed Water Quality Improvements Phase I.

(La Jolla, Southeastern San Diego, and Barrio Logan Community Areas.
Districts 1 and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-882) ADOPTED AS RESOLUTION R-302590

Amending the Fiscal Year 2007 Capital Improvement Program Budget by adding CIP-12-159.0, Watershed Water Quality Improvements;

Amending the Fiscal Year 2007 Capital Improvements Program Budget for Fund 630221 by increasing the budget amount by \$2,075,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,075,000 from Fund 100, General Services, Storm Water Pollution Prevention Division Operating Fund to Fund 630221, Contributions from 100 Fund;

Authorizing the appropriation and expenditure of an amount not to exceed \$2,075,000 from CIP-12-159.0, Fund 630221, solely and exclusively, for the purpose of providing funds for Watershed Water Quality Improvements - Phase 1 project.

Declaring the above expenditure is contingent on appropriate approval and award of one or more contracts for performance of the Watershed Water Quality Improvements - Phase 1 project, if said project will not be performed by City forces, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under such contracts are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is not a "project" and is therefore exempt from CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

The City has begun preliminary planning for a series of Watershed Water Quality Projects that will assist in satisfying watershed-based water quality activity requirements in the Regional Water Quality Control Board's Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit. In addition, the projects will address stringent storm drain discharge water quality standards that will be required by the pending dissolved metals Total Maximum Daily Load Program for the Chollas Creek Watershed and the California Ocean Plan's Areas of Special Biological Significance requirements in the La Jolla Shores area. The Watershed Water Quality Projects will be designed to infiltrate urban and storm runoff within City parking lots, parks and right-of-way through various controls such as, landscape infiltration strips and areas, and/or porous pavement.

Phase I includes projects in the first year (Fiscal Year 2007). All areas within City owned property and/or right-of-way that would meet the Total Maximum Daily Load Program for the Chollas Creek Watershed and the California Ocean Plan's Areas of Special Biological Significance requirements in the La Jolla Shores area are under consideration. There are currently three potential locations within the City of San Diego being evaluated. Two potential sites would target the Chollas Creek Watershed, preliminarily identified at the intersection of Dalbergia Street and Thor Street, and at Memorial Park. A third potential site would target the La Jolla Shores area of the Mission Bay and La Jolla Watershed, preliminarily identified at the Kellogg Park parking lot.

FISCAL CONSIDERATIONS:

The Storm Water Pollution Prevention Division's Fiscal Year 2007 approved budget includes \$3,565,269 for watershed water quality improvement projects. Funds in the amount of \$2,075,000 for this action are available in Fund 100, General Services, Storm Water Pollution Prevention Division Operating Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Approved Fiscal Year 2007 budget for Storm Water Pollution Prevention Division.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Storm Water Pollution Prevention Division will be offering stakeholder participation and public outreach support to the Engineering and Capital Projects Department staff. City staff will involve community members and all other affected City departments in the final site selections and design of the projects.

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KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Key Stakeholders: City of San Diego; Communities of La Jolla, Southeastern San Diego, and Barrio- Logan.

Projected Impacts: The approval of this action will allow the City to begin the community and stakeholder outreach, project design, and eventually construction of improvements to address water quality standards and satisfy watershed-based activity requirements set forth in the Regional Water Quality Control Board's Municipal Storm Water National Pollutant Discharge Elimination System Permit.

Boekamp/Haas

Aud. Cert. 2700564.

Staff: Dave Zoumaras - (619) 533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:11 a.m.)

MOTION BY HUESO TO ADOPT. Second by Young. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

* ITEM-104: Shoal Creek Pedestrian Bridge Over Ted Williams Parkway Project.

(Carmel Mountain Ranch Community Area. District 5.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1033) ADOPTED AS RESOLUTION R-302591

Authorizing the Mayor, or his designee, to accept \$412,139 from the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users, California High Priority Project funds (SAFETEA-LU), for the design of Shoal Creek Pedestrian Bridge Over Ted Williams Parkway ("Project"), CIP-54-012.0, contingent upon the receipt of an FNM-76 (Version E-76) Caltrans Funding Authorization;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the SAFETEA-LU funds;

Authorizing the City Auditor and Comptroller to transfer TransNet funds in the amount not to exceed \$160,000 from CIP-52-765.0, Sorrento Valley Road and Interstate I-5 to CIP-54-012.0, Shoal Creek Pedestrian Bridge as matching funds to the Federal grant, for the purpose of providing funds for the Project;

Authorizing the appropriation and expenditure of an amount not to exceed \$572,139 for the purpose of the design of Shoal Creek Pedestrian Bridge Project, of which \$160,000 is from CIP-54-012.0, Shoal Creek Pedestrian Bridge, TransNet Funds, and \$412,139 is from SAFETEA-LU, solely and exclusively, for the purpose of providing funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Declaring the above expenditure is contingent on appropriate approval and award of one or more contracts for performance of the Watershed Shoal Creek Pedestrian Bridge, if said project will not be performed by City forces, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under such contracts are, or will be, on deposit in the City Treasury;

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-54-012.0 by increasing the budget amount by \$412,139;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3). This determination is predicated on Section 15004 of the Guidelines, which provides direction to lead agencies on the appropriate timing for environmental review. Construction activities related to this action will be subject to review under the provisions of CEQA.

STAFF SUPPORTING INFORMATION:

In 2003, a feasibility study was prepared to construct a pedestrian bridge at the intersection of Ted Williams Parkway and Shoal Creek Drive. As a result of the study it was concluded that this bridge fit the criteria established by The San Diego City Council Policy 800-1 B that provides the guidelines for a pedestrian bridge to be installed over a signalized intersection.

During the last federal budget cycle, the Federal Highway Administration identified specific projects for funding from the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users, California High Priority Project funds, (SAFETEA-LU). Currently, the Shoal Creek Pedestrian Bridge Project is eligible to receive \$412,139 in Federal Grant to begin the design. In addition, the Fiscal Year 2007 Budget included a TransNet allocation for a roadway portion of the Sorrento Valley Road and Interstate 5 Project in the amount of \$160,000. However, after the budget was approved, it was determined the funding could be better utilized by Shoal Creek Pedestrian Bridge project for matching funds to the federal grant.

FISCAL CONSIDERATIONS:

This action will transfer \$160,000 of TransNet, Fund 30300, from CIP-52-765.0, Sorrento Valley Road and Interstate 5, into CIP-54-012.0, Shoal Creek Pedestrian Bridge. This action will also authorize the use of \$412,139 of SAFETEA-LU funds. The remaining matching funds in the amount of \$27,861 is programmed and would become available contingent upon Council approval of the Fiscal Year 2008 Budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On June 14, 2006, the Carmel Mountain Ranch Community Council was given an informational presentation on the Shoal Creek Pedestrian Bridge Project. Based on public comments received, the project team would return with alternatives for approval.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City of San Diego, Carmel Mountain Ranch Community Council, Caltrans, Duncan Hunter, FHWA.

Boekamp/Haas

Aud. Cert. 2700697.

Staff: Dave Zoumaras - (619) 533-3138
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Contribution to Fund San Diego Fire-Rescue Department Pumper Acquisition by Lease.

(District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1022) ADOPTED AS RESOLUTION R-302592

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Authorizing the Mayor to accept the contribution of \$100,000 from an anonymous donor for the San Diego Fire-Rescue Department's Lease of Fire Apparatus;

Authorizing the City Auditor and Comptroller to deposit the contribution of \$100,000 to Fund No. 10365, and Account No. 78901;

Authorizing the City Auditor and Comptroller to appropriate and expend the monies in Fund No. 10365, Account No. 78901 for the San Diego Fire-Rescue Department's Lease of Fire Apparatus;

Authorizing the Mayor, or his designee, to amend the Contract with KME, adding an additional pumper to the scheduled manufacture and delivery of seven (7) pumpers, for a total of eight (8) with an estimated delivery date in October 2007;

Declaring that this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The donor has business interests in the Mid-City area in close proximity to Fire Station 17 at 4206 Chamoune Avenue, San Diego CA 92115. Over the years, the donor came to know San Diego Fire-Rescue Department's Captain Steve Salaz and his C Division crew at Fire Station 17. This relationship is the donor's motivation for generously contributing to the acquisition of an engine for Station 17.

In June 2005, Ordinance O-19398 was passed, authorizing the execution of a 7-year lease agreement, with seven one-year options to renew to lease fire apparatus for the San Diego Fire-Rescue Department. The equipment vendor, KME, was selected by the City Purchasing Department bid process. The donor has agreed to assist in the acquisition of an engine for Station 17 within this Fire-Rescue Department apparatus lease program. Therefore, the Fire-Rescue Department seeks to amend the agreement for the FY 2007/2008 manufacture/delivery of engines to include an additional engine, for a revised total of eight for that year, to include the engine for Station 17. The unit cost for a pumper in this order group is \$372,000.

Station 17 was scheduled to receive a replacement in early calendar year 2008. The current delivery due date for the second order of pumpers is late calendar year 2007. The overall program has experienced delays in manufacturing and delivery, resulting in extensions to the scheduled delivery dates and a delivery date for Station 17 close to the original schedule.

FISCAL CONSIDERATIONS:

The contribution will be deposited into Fund 10365 to supplement the General Fund allocation associated with the San Diego Fire-Rescue Department's Lease of Fire Apparatus. The \$100,000 donation will pay for the sales tax (\$28,830) in FY 2008, \$60,000 in FY 2009 for the first year lease payment. An estimated \$48,000 will be budgeted in the General Fund for FY 2010, and \$60,000 annually FY 2011-2015. This action only changes the timing of a delivery. Therefore these funds are already budgeted, there is no net fiscal impact aside from the \$100,000 revenue.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

All.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

KME Fire Apparatus

Jarman/Olen

Staff: Jeff Frazier - (858) 573-1359
Nooria Faizi - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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* ITEM-106: Prospect Street and Prospect Street-La Jolla Blvd Street Light Circuits Upgrades.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1026) ADOPTED AS RESOLUTION R-302593

Authorizing and directing the City Auditor and Comptroller, in accordance with the annual appropriation ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to increase CIP-52-293.0, Street Lights – Citywide, by the amount of \$1,600,000;

Authorizing the City Auditor and Comptroller to transfer the amount of \$1,600,000 from Fund No. 100, Street Division Operating Fund, to Fund No. 630221, Contributions from Fund No. 100, CIP-52-293.0, Street Lights – Citywide;

Authorizing the expenditure of an amount not to exceed \$1,600,000 from Fund No. 630221, CIP-52-293.0, Street Lights – Citywide, solely and exclusively, to provide funds for street light circuit upgrades on Prospect Street and on Prospect Street – La Jolla Boulevard;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to appropriate reserves, on advice from the administering department;

Declaring that the above activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15302 as the replacement or reconstruction of existing structures or facilities to be located on the same site and with substantially the same purpose and capacity.

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STAFF SUPPORTING INFORMATION:

This action will allow for the conversion of a street light electrical circuit for 87 existing street lights on Prospect Street - La Jolla Boulevard. The existing old "series style" street light electrical circuits are badly deteriorated and are constantly requiring repairs. When prioritizing circuits for conversion several factors were considered, safety, ongoing maintenance costs, age, size, and impact to the public. The La Jolla circuits have become the most problematic circuits in the City with the highest demands for repairs over the past several years.

The circuit conversion project will upgrade 19,450 linear feet of underground wiring which will include new trench, conduit, cable, pull boxes, street light fixtures and replacement of damaged street light standards. The design will be completed by the Engineering Department and the construction will be by contract. We do not expect significant impacts on adjacent businesses due to construction of this project. In addition, we expect the street lights affected by this circuit to be out of power for just a few hours during one day (not during the evening), while the lights are transferred to their new power source. Note that all trenching will be performed in previously disturbed areas within the public right-of-way.

FISCAL CONSIDERATIONS:

The fiscal impact to be estimated \$1.6 Million. Funds are available in Street Division Operating Budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Staff is not aware of any individual or organization opposed to this proposal.

Boekamp/Haas

Aud. Cert. 2700688.

Staff: Deborah Van Wanseele - (619) 533-3012
Frederick M. Ortlieb - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-107: Settlement of Property Damage Claim of Bruno Etchepare.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-908) ADOPTED AS RESOLUTION R-302594

A Resolution approved by the City Council in Closed Session on Tuesday, March 20, 2007 by the following vote: Council President Peters-yea; Faulconer-not present; Atkins-yea; Council President Pro Tem Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Hueso-yea.

Authorizing the Mayor to pay the sum of \$100,000 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of Bruno Etchepare (Superior Court Case No. GIC 859369);

Authorizing the City Auditor and Comptroller to issue a check in the amount of \$100,000 payable to Bruno Etchepare and his attorney of record, Peter M. Polischuk, Esq.;

Authorizing the City Auditor and Comptroller to appropriate and transfer funds of \$100,000 from the General Fund unallocated reserves to the Public Liability Fund 81140.

STAFF SUPPORTING INFORMATION:

The proposed settlement would resolve all claims arising from storm drain flooding which occurred on October 27, 2004 at Meade Avenue.

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund.

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PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was considered in closed session on March 20, 2007. The City Council voted 7 to 0 to approve the settlement amount of \$100,000. The motion was made by Council President Peters with a second by Councilmember Madaffer. Councilmember Faulconer was absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

N/A

Bych/Goldstone

Aud. Cert. 2700698.

Staff: Debra Benoit - (619) 533-6555
Andrew Jones - Deputy City Attorney

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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- * ITEM-108: Excusing Councilmember Faulconer from the City Council and Closed Session Meetings of April 16 and 17, 2007.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1018) ADOPTED AS RESOLUTION R-302595

Excusing Councilmember Kevin Faulconer from attending the regularly scheduled City Council and Closed Session meetings of April 16 and 17, 2007.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-109: Excusing Councilmember Faulconer from the Natural Resources and Culture Committee Meeting of April 18, 2007.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1019) ADOPTED AS RESOLUTION R-302596

Excusing Councilmember Kevin Faulconer from attending the regularly scheduled Natural Resources and Culture Committee meeting of April 18, 2007.

NOTE: This item is not subject to Mayor's veto.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-110: Excusing Councilmember Faulconer from the Budget Committee Meeting of April 18, 2007.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1020) ADOPTED AS RESOLUTION R-302597

Excusing Councilmember Kevin Faulconer from attending the regularly scheduled City Council Budget Committee meeting of April 18, 2007.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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- * ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-859) ADOPTED AS RESOLUTION R-302598

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-112: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-876) ADOPTED AS RESOLUTION R-302599

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L

COUNCIL ACTION: (Time duration: 10:07 a.m. - 10:07 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-330: FY 2008 Funding Allocations for Community Development Block Grant Program.

(See Report to the City Council No. 07-083. Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1034 Rev. Copy) ADOPTED AS RESOLUTION R-302601

Authorizing the City Auditor and Comptroller to accept CDBG funds in the amount of \$15,424,594 from the U.S. Department of Housing and Urban Development for the City's FY 2008 CDBG Program;

Approving the funding allocations and recommendations for the City's FY 2008 CDBG Program, set forth in Report to the City Council No. 07-083, contingent upon certification of funds availability by the City Auditor and Comptroller, and that the Core City Priorities and CDBG-funded projects approved for funding, be incorporated into the City's FY 2008 CDBG Action Plan;

Authorizing the Mayor, or his designee, to negotiate and execute agreements with those CDBG-funded projects approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with those CDBG-funded projects approved for funding, whose allocations the Mayor, or his designee, asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG funds for the Core City Priorities and CDBG-funded projects approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to reprogram funding from prior year CDBG-funded projects to FY 2008 projects approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or his designee, to suspend the initiation of new HUD Section 108 Loans during FY 2008 that rely on CDBG and/or General Funds as a repayment source.

STAFF SUPPORTING INFORMATION:

The Housing and Community Development Act of 1974 established the Community Development Block Grant (Program). The City of San Diego has participated in the program since its inception. CDBG staff members are responsible for grant compliance and the overall administration of the CDBG Program.

The City's CDBG entitlement grant amount for Fiscal Year 2008 will be \$15,424,594, which is \$82,268 (0.05%) reduction from current fiscal year. The City noticed a CDBG application process that opened on January 19, 2007. The application period remained opened until February 15, 2007. A total of 151 applications were received for an amount requested totaling approximately \$32.7 million. The applications were provided to the City Council for funding consideration on March 27, 2007.

A memorandum was issued to the City Council on March 26, 2007 which outlined the proposed CDBG budget including recommendations for the following Core City priorities.

Core City Priorities

• CDBG Administration	\$ 1,150,000 (Administrative)
• CIP Project Management	\$ 450,000 (Administrative)
• Section 108 Loan Payments	\$ 3,310,827 (prior City Council Action)
• Social Services (15%)	\$ 2,313,689 (Council Policy 700-02)
• Housing Commission	\$ 1,277,478 (Council Policy 700-02)
• ADA Barrier Removal Program	\$ 1,141,968 (past practice)
• ADA Transition Plan	\$ 373,000 (past practice)
Total	\$10,016,962

After netting out the above Core City Priorities, there is \$5,407,636 of discretionary CDBG available from the FY2008 entitlement grant to fund eligible projects.

FISCAL CONSIDERATIONS:

There is no impact to the General Fund from this action. Funding for each program is available from the Community Development Block Grant Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The application for federal entitlement grants, which includes the CDBG Program grant, is referred to as the Consolidated Plan. The Consolidated Planning process includes a community input process where staff presented the Plan and requested feedback from each community planning group that represents low and moderate income communities. Further, the process was brought before the Land Use and Housing City Council Committee and the San Diego Housing Commission for discussion. The application process for federal community development funds was noticed in the San Diego Union Tribune newspaper, and notices were mailed to the City's CDBG mailing database.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities, community-based organizations, community planning groups; and other community development organizations.

Kessler/Anderson

Staff: Scott Kessler - (619) 533-4234
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:33 a.m. – 11:54 a.m.;
3:27 p.m. – 3:51p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION AND APPROVE COUNCIL MEMBER ATKINS' PROPOSAL AS READ IN THE RECORD AS FOLLOWS: "AS YOU ARE AWARE, MAYOR JERRY SANDERS HAS RECOMMENDED POLICY CHANGES REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR FISCAL YEAR 2008. I WOULD URGE MY COLLEAGUES TO SUPPORT AN ALTERNATE RECOMMENDATION WHICH IS IN ACCORDANCE WITH CITY COUNCIL POLICY 700-02 AND WHICH ENSURES CONTINUED STABILITY AND EFFECTIVENESS OF SERVICES PROVIDED USING CDBG FUNDS FOR FISCAL YEAR 2008. I AM AWARE THAT THE MAYOR IS INTERESTED IN CHANGING THE ESTABLISHED CITY COUNCIL POLICY 700-02 WITH REGARD TO CDBG ALLOCATIONS. IT IS MY INTENTION TO DOCKET THE POLICY DISCUSSION AT THE BUDGET AND FINANCE COMMITTEE AFTER THE CONCLUSION OF THE BUDGET HEARINGS IN JUNE 2007. ADDITIONALLY, I WILL REQUEST AN UPDATE FROM THE MAYOR ON THE CITY OF SAN DIEGO'S ADA TRANSITION PLAN AND INTEND TO DOCKET THE UPDATE AT THE BUDGET AND FINANCE COMMITTEE. IT HAS BEEN THE DESIRE OF THE BUDGET COMMITTEE TO LEARN OF THE PROGRESS MADE ON THE ADA TRANSITION PLAN FOR MORE THAN A YEAR NOW. I WILL RESPECTFULLY REQUEST THE ASSISTANCE OF THE MAYOR'S STAFF IN PREPARING FOR THIS DISCUSSION AND ASK THAT THEY BE READY TO PRESENT THIS MATTER TO THE BUDGET COMMITTEE IN JULY OF 2007." Second by Frye. Passed by the following vote: Peters-nay, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-331: Fiscal Year 2008 City of San Diego Annual Action Plan.

(See San Diego Housing Commission Report dated March 23, 2007; San Diego Housing Commission Power Point dated April 11, 2007; and Draft Annual Action Plan for FY08.)

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TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-986 Rev. Copy) ADOPTED AS RESOLUTION R-302602

Approving the City's federally required Fiscal Year 2008 Annual Action Plan, and authorizing the President & Chief Executive Officer of the Housing Commission to submit the Plan, on behalf of the City, to the U.S. Department of Housing and Urban Development for its review and approval.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/11/2007, LU&H voted 3 to 0 to forward the Report to the full City Council for discussion and approval. (Councilmembers Atkins, Young, and Madaffer voted yea. Councilmember Hueso not present.)

SUPPORTING INFORMATION:

In 1994, HUD began requiring entitlement jurisdictions to prepare a five-year strategic planning document entitled the Consolidated Plan. In order to comply with HUD requirements, each entitlement jurisdiction is required to submit an annual application (Action Plan) and an annual performance report (Consolidated Annual Performance and Evaluation Report or CAPER). Action Plans provide a one-year strategy toward accomplishing five-year goals identified in the Consolidated Plan. FY08 is the fourth year in the City's five-year (2005-2009) Consolidated Plan Cycle.

The FY08 Action Plan serves dual purposes. First, it serves as the City's comprehensive strategic plan for community development, including affordable housing, economic development and human service activity. Second, it is the single application and spending plan for four federal entitlement programs totaling approximately \$27.2 million for FY08. The breakdown of the estimated funding amounts per program is as follows:

Community Development Block Grant (CDBG: \$15,424,594)
HOME Investment Partnerships/ADDI (HOME: \$8,450,701 (ADDI: \$146,587)
Emergency Shelter Grants (ESG: \$668,756)
Housing Opportunities for Persons with AIDS (HOPWA: \$2,551,000)

In March 2006, HUD issued a standardized performance measurement system to all entitlement jurisdictions. The performance measure system, consists of specific objectives and outcomes (see Attachment 2) which are required to be incorporated into 5-year Consolidated Plans and all subsequent Action Plans. The purpose of this system is to aggregate data at the national and local level to determine how well programs and activities meet established needs and goals. HUD will use this information to consider program funding decisions and to demonstrate program results. The new performance measures are not considered substantial amendments to the 5-year Consolidated Plan, rather they are intended to classify existing activities according to a standardized framework. The City of San Diego has incorporated all required performance measurements, as prescribed by HUD, in both the 2005-2009 Consolidated Plan and the FY08 Action Plan.

The City of San Diego is the grantee for all funds, although program responsibilities for HOME and ADDI are delegated to the San Diego Housing Commission and HOPWA responsibilities are delegated to the County of San Diego. Upon receipt by HUD, the Plan will be deemed approved unless HUD notifies the City that additional information is required for the Plan to meet the criteria for approval. With approval, the Plan will generate approximately \$27.2 million in FY08 to implement and continue community development efforts throughout the City.

FISCAL CONSIDERATIONS:

None with this action. However, without a final HUD approved FY08 Action Plan, the City will be ineligible to receive approximately \$27 million in federal funds that support community/economic development and affordable housing activities.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The draft FY08 Action Plan is available for public review from March 18, 2007, through April 18, 2007, in the reference section of the City's branch libraries and in all of the City's Community Service Centers.

A notice of public review was published in four local newspapers, including translated versions in Vietnamese and Spanish publications. Draft copies of the plan were distributed at six Community Planning Group meetings in effort to encourage participation at public hearings.

ENVIRONMENTAL REVIEW:

This activity is the application for grant funds and would not be considered a "project" and is therefore not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15060(c)(2). This project is exempt from the requirements of the National Environmental Policy Act (NEPA) pursuant to the applicable provisions of NEPA 24 CFR Part 58 Section 58.34(a)(1).

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The Code of Federal Regulations requires that Consolidated Plan programs generally serve very low, low, and moderate income persons and households. Funds are made available to Community Based Organizations (CBO's) through a competitive process. In FY07 these funds were leveraged with almost \$106M in state and local funds to provide an array of services including but not limited to: homeless services, subsidized housing, small business development, redevelopment efforts, affordable housing financing, rehabilitation and neighborhood revitalization.

Philips/Morris

Staff: Amy Benjamin - (619) 578-7542
Alex W. Sachs - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:10 p.m. – 5:15 p.m.)

MOTION BY ATKINS TO ADOPT THE RESOLUTION ACCEPTING THE STAFF'S RECOMMENDATION. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Fiscal Year 2008 Social Services Program.

(See Report to the City Council No. 07-085. Citywide.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1035) CONTINUED TO MONDAY, MAY 14, 2007

Authorizing the City Auditor and Comptroller to accept the funding appropriations from the City's CDBG entitlement grant, Emergency Shelter Grant, and the San Diego Housing Commission for the FY 2008 Social Services Program, contingent upon adoption of the FY 2008 Appropriation Ordinance and certification of funds availability by the City Auditor and Comptroller;

Approving the funding recommendations for the FY 2008 Social Services Program, set forth in Report to the City Council No. 07-085, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or designee, to negotiate and execute agreements with those programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG, Emergency Shelter Grant, and San Diego Housing Commission funds for those programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

STAFF SUPPORTING INFORMATION:

The City has a long history of allocating funding to social service programs in two broad categories: (1) City initiated social service programs that are funded to address identified social needs (e.g. Homeless Emergency Shelter Program and Therapeutic Recreation Services); and (2) To support worthy social programs that were not City initiated, but provide benefits to City residents (e.g. Being Alive and Casa Familiar).

For decades under the City Manager form of government, the City Council – through various Council Representatives – initiated social service funding recommendations prior to bringing forward the adoption of the Social Services Program Budget to the City Council. This practice was last utilized in FY 2002. The City Council then directed the City Manager to develop a formal selection process that was successfully utilized in Fiscal Years 2003 through 2005. While the process established by the City in 2002 is still being used, since that time the program has experienced sharp reductions in funding that resulted in the elimination of the competitive process in Fiscal Year 2006. Subsequently, each year program staff has given the highest funding priority to “City-Initiated Programs”, before providing support to the other programs being considered. The fiscal reality of the Program is that funding has been decreasing each year. Overall program funding fell from a high of \$6.4 million in FY 2002 to a low of \$3.0 million in FY 2008. The steady decline of funding makes balancing a social service budget difficult as there is an abundance of worthy social programs serving City residents.

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Fiscal Year 2008 federal funding has decreased by a modest \$8,324 from the current fiscal year. In addition, the San Diego Housing Commission, who has traditionally allocated \$445,000 for homeless shelter programs, will be unable to make this contribution toward the Homeless Emergency Shelter Program in the upcoming fiscal year. The loss of this funding results in the need to absorb the \$445,000 through the Social Service Program budget, which will significantly reduce the funding levels for the proposed programs. In addition to funding decreases, the Mayor's funding proposal includes recommendations for the two City homeless shelter programs to receive 3% increases (\$38,855) to address the escalation of operational costs recognized in the current fiscal year. Also included in the increase is \$75,000 to purchase new tent skins to replace the aging and deteriorating skins that have been used for the winter shelter's homeless program since 1998.

In summary, the reduction of federal funds (-\$8,324), the loss of Housing Commission homeless shelter funding (-\$445,000), the need to cover a one-time expense of \$75,000 to purchase new tent skins for the homeless shelters, and the need to increase the City homeless shelter programs by a combined \$38,855 results in a need to reduce remaining programs by \$567,179.

FISCAL CONSIDERATIONS:

There is no impact to the General Fund from this action. Funding for each program is available either from the City's CDBG entitlement grant, ESG, or the SDHC.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The application for federal entitlement grants (which includes the City's CDBG entitlement grant and ESG) is referred to as the Consolidated Plan. The Consolidated Planning process includes a community input process where staff presented the Plan and requested feedback from each community planning group that represents low and moderate income communities. Further, the process was brought before the Land Use and Housing City Council Committee and the San Diego Housing Commission for discussion. The City of San Diego did not issue a "Notice of Funding Availability" for FY 2008 Social Services Program funding due to reduced funding available.

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KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities; community based organizations; community planning groups; and other community development organizations.

Kessler/Anderson

Staff: Ernie Linares - (619) 236-6719
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:51 p.m. – 5:10 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY ATTORNEY AND APPROPRIATE STAFF TO PREPARE AN ORDINANCE TO HAVE THE REDEVELOPMENT AGENCY, SPECIFICALLY CENTRE CITY DEVELOPMENT CORPORATION, PAY BACK TO THE CITY COMMUNITY DEVELOPMENT BLOCK GRANT FUND THE AMOUNT OF \$2.183 MILLION.

Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-not present.

Please note: The above resolution was not adopted reflecting the motion by Council Member Frye. After careful consideration by the Deputy City Attorney the resolution was continued to Tuesday, May 15, 2007.

ITEM-S500: Tourism Marketing District Procedural Ordinance.

(Citywide.)

(Continued from the meeting of May 1, 2007, Item 330, at the request of Councilmember Madaffer, for further review.)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-101 Cor. Copy) INTRODUCED; TO BE ADOPTED
TUESDAY, MAY 22, 2007

Introduction of an Ordinance amending Chapter 6, Article 1, of the San Diego Municipal Code by adding Division 25, titled San Diego Tourism Marketing District Procedural Ordinance, and adding Sections 61.2501, 61.2502, 61.2503, 61.2504, 61.2505, 61.2506, 61.2507, 61.2508, 61.2509, 61.2510, 61.2511, 61.2512, 61.2513, 61.2514, 61.2515, 61.2516, 61.2517, 61.2518, 61.2519, 61.2520, 61.2521, 61.2522, 61.2523, 61.2524, 61.2525, 61.2526, and 61.2527, all relating to Procedures for Establishing a Tourism Marketing District.

STAFF SUPPORTING INFORMATION:

Representatives from the hotel industry approached City officials about implementing a Tourism Marketing District mid-2005. Industry representatives were interested in developing a new source of revenue for marketing and promotion in order to retain and expand the tourism industry in San Diego. The tourism industry is the third largest revenue generator for the San Diego economy and a key employment sector. The revised projected annual Transient Occupancy Tax (TOT) revenue to the City for FY 2007 is \$149.6 million. However, future growth of the industry is dependent on additional marketing of San Diego, especially as more hotel rooms come on-line. Maintaining or increasing hotel occupancy rates will also result in enhanced TOT revenues to the City.

In discussing the concept of a Tourism Marketing District, a number of issues were raised including how such a district might be formed, who would be assessed, how the level of support for the district would be determined, what kinds of improvements and activities would be provided, and the length of time for which assessments would be levied.

Over the last year, hotel industry representatives have been exploring the Tourism Marketing District concept and building support for the proposal. City staff has been reviewing the concept and evaluating the legal framework for forming such a district. It was decided that the most analogous legislation for the desired Tourism Marketing District is the State Property and Business Improvement District (PBID) Law of 1994. City staff met with industry representatives

to discuss the identified issues before drafting a new procedural ordinance based on the 1994 PBID Law. The draft procedural ordinance was distributed to the Lodging Industry Association and the San Diego County Hotel-Motel Association in December 2006. Comments were received by City staff and incorporated into the draft which is now recommended to be adopted.

The procedural ordinance outlines the process for forming a Tourism Marketing District. It allows for a district to be formed for a period not to exceed five (5) years initially. It requires that petitions be obtained in support of the district from hotels-motels representing more than 50% of the proposed assessments in order to bring the matter to City Council. As part of the Council proceedings a mailed ballot would be conducted by City staff and counted by the City Clerk to determine if a majority protest exists. A management plan must be developed by the proponents of the district and made available to all potentially affected hotels-motels as part of the petition drive so that businesses can determine if they support the proposed improvements and activities. If a Tourism Marketing District is formed and is successful then the hotels-motels could vote to extend the district at the end of the initial five (5) year period, if not, then the district would lapse of its own accord.

FISCAL CONSIDERATIONS:

There is no fiscal impact associated with the adoption of the ordinance since this is only a procedural ordinance on how to create a tourism assessment district. However, if a Tourism Marketing District is formed in FY 2008 then the potential savings to the City would be around \$6 million in the fiscal year and \$10 million a year in subsequent years since funding for the San Diego Convention and Visitors Bureau and other tourism-related organizations would be supported through the Tourism Marketing District assessments rather than being funded by the City with TOT funds.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On July 19, 2006, a presentation was made to the Budget and Finance Committee by the San Diego Lodging Industry Association on the status of the proposal to create a Tourism Marketing District. Since this was an information item only no action was taken.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Both the Lodging Industry Association and the San Diego County Hotel-Motel Association reviewed the draft of the proposed ordinance and provided comments on some of the provisions. Mr. Scott Kessler was the keynote speaker at the January 2007 monthly membership meeting of the San Diego County Hotel-Motel Association and spoke about the concept of the Tourism Marketing District and answered questions from the floor. Immediately preceding the membership meeting he attended the Board of Directors meeting and answered questions from the Board members. Meetings have also been held with representatives of the San Diego Convention and Visitors Bureau, San Diego Regional Chamber of Commerce and the San Diego Convention Center Board to answer questions about the Tourism Marketing District concept.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the hotels and motels in San Diego that might ultimately be included in a Tourism Marketing District. There is no impact at this time with the introduction of the procedural ordinance since this is not creating an assessment district.

Anderson/Waring

Staff: Scott Kessler - (619) 533-4234
Alex W. Sachs - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:02 p.m. – 3:17 p.m.)

MOTION BY MADAFFER TO INTRODUCE. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-not present.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 5:15 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:15 p.m. – 5:15 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

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THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 14, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:02 p.m. Council President Peters recessed the meeting at 2:58 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:03 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 3:27 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present
- Clerk-Maland (dlc)

FILE LOCATION: MINUTES

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ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Father Tommie Jennings of Christ the King Catholic Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Hueso.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-1 *Teri L. Sharp v. City of San Diego*
San Diego Superior Court Case No. 862393

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 15, 2007

DCA Assigned: J. Serrano

This matter involves a lawsuit to quiet title to a public walkway easement located on the Western edge of the single family residence situated at 3478 Argonne Street in the Clairemont area of San Diego, California. The owner of the lot subject to the easement contends the City has abandoned the walkway. The walkway connects to the Marian Bear Public Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:58 p.m. – 2:58 p.m.)

Council President Peters closed the hearing.

CS-2 *Philip K. Paulson v. City of San Diego, et al.*
United States District Court Case No. 89cv820 GT (POR)

Steve Trunk and Philip K. Paulson v. City of San Diego, et al.
United States District Court Case No. 06cv1597

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 15, 2007

DCA Assigned: D. Karlin and G. Schaefer

In 1989, Philip K. Paulson initiated the above-entitled action against the City of San Diego relating to the presence of a Latin memorial cross within the Mt. Soledad Veterans Memorial. In Closed Session, the City Attorney will update the City Council on the litigation's status and discuss a recently filed motion for attorney's fees and costs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:58 p.m. – 2:58 p.m.)

Council President Peters closed the hearing.

ITEM-150: Inviting Bids for the Construction of Miramar Water Treatment Plant Upgrade and Expansion-Contract B Project.

(Scripps Miramar Ranch Community Area. District 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1070) ADOPTED AS AMENDED AS RESOLUTION R-302605

Approving the plans and specifications for the construction of Miramar Water Treatment Plant Upgrade and Expansion-Contract B (Project);

Authorizing the Mayor, or his designee, after advertising for bids in accordance with the law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$71,680,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$68,930,000 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion and \$2,250,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation-Water Pooled Contingency for construction, contingency and project related costs provided that the City Auditor first furnishes one or more certificates certifying that funds necessary for expenditure under established contract phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$68,930,000 from Water Fund 41500, CIP-73-284.0, Miramar Water Treatment Plant Upgrade and Expansion and \$2,250,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation-Water Pooled Contingency solely and exclusively for the purpose of

providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$500,000, solely and exclusively, for the use of City Forces for coordinating and effecting operational changes and Miramar Water Treatment Plant shut-down during construction of the Project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserve;

Finding that this activity is adequately addressed in EIR No. 99-0704, for the Miramar Water Treatment Plant Upgrade and Expansion Project and there is no change in circumstance, additional information, or project changes to warrant additional environmental review and that this activity is not a separate project for purposes of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(c).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/13/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

SUPPORTING INFORMATION:

As a part of the Water Department Capital Improvements Program, the Miramar Water Treatment Plant (WTP) is scheduled for expansion from the current capacity of 140 million gallons per day (MGD) to 215 MGD to meet the water demand of its service area. In addition to increasing treatment capacity, the facility will upgrade the treatment processes. This will improve operations and maintenance at the facility, and will meet the new drinking water standards set by the U.S. Environmental Protection Agency and as mandated by the California Department of Health Services (DHS) Compliance Order. Failure to meet the DHS Compliance Order dates may result in fines levied against the City of San Diego.

This phase of the Miramar WTP project (Contract B) is covered under a Resource Protection Ordinance (RPO) Permit No. 99 0704 and Final Program EIR (LDR No. 99-0704), which was approved and certified by City Council on March 13, 2002.

Contract B represents the fourth of six components of the Miramar WTP Upgrade & Expansion project. It consists of demolition of the original filters, demolition of the existing Operation Building, demolition of the existing flocculation/sedimentation basins (3 and 4), construction of four (4) new flocculation/sedimentation basins (5, 6, 7, and 8) and site piping, grading, electrical and mechanical work.

The requested action is to approve plans and specifications for the construction of Miramar WTP Upgrade and Expansion - Contract B as advertised by contract services and authorize the expenditure of \$71,680,000. Construction is anticipated to begin in fall of 2007, and complete by fall of 2009.

City Forces will be utilized on this project for coordinating and effecting operational changes and Miramar WTP shut-down during construction. The work scope also includes closing and opening large diameter valves, monitoring flow in the existing clearwells and day to day coordination with the project team. Their knowledge, experience and participation on the project are essential to the success of the project. The cost for this work is estimated at \$500,000 for the duration of the project.

FISCAL CONSIDERATIONS:

The total cost for Miramar WTP Upgrade and Expansion - Contract B is \$71,680,000. Of the \$500,000 requested for the project in FY 2007, \$350,000 will be financed with proceeds from the Subordinated Water Revenue Notes, Series 2007A. The remaining \$150,000 will be cash funded.

The project will be phase funded in FY 2008, 2009 and 2010. The Water Department expects to reimburse 80% of the costs for FY 2008 - FY 2010 (\$71,180,000) from future debt issuances. The Miramar Water Treatment Plant Upgrade and Expansion is one of the CIP projects the Water Department will fund with revenues generated by the rate increases approved by the City Council on February 26, 2007. The Auditor's Certificate will be issued prior to contract award.

PREVIOUS COUNCIL COMMITTEE ACTION:

This item was approved by the Natural Resources & Culture Committee on 9/13/2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City of San Diego Water Department has partnered with the community since the start of the Miramar Water Treatment Plant (MWTP) Upgrade and Expansion Project.

In 1999, the Water Department worked with community members to form the Miramar Water Treatment Plant Community Advisory Group (CAG), which is comprised of area residents living and working in the area to help mitigate project impacts. Regular CAG meetings are held to provide project updates and discuss various concerns. Smaller meetings and phone conferences

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are also held with other nearby residents to address any pertinent issues. In addition, a CIP Hotline is regularly maintained to answer any questions and provide any information to the public. Door hangers, fact sheets, MWTP WaterWorks newsletters, and updates on the City of San Diego Web site and community newsletters also add to outreach efforts on behalf of the project.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Citywide Water Customers, CDM, Inc. (Design Consultant), MWH (Construction Management Consultant), Scripps Ranch Community Advisory Group, San Diego County Water Authority and California Department of Health Services.

Barrett/Haas

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. – 3:17 p.m.)

MOTION BY MADAFFER TO ADOPT WITH AN AMENDMENT THAT \$26.2 MILLION EXPENDITURE BE AUTHORIZED AND STAFF SHALL COME BACK IN 2008 FOR REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-200: Amendments to the San Diego Municipal Code Eliminating the Surplus Undistributed Earnings ("Waterfall") as Codified in San Diego Municipal Code Section 24.1502 and as Referred to in Sections 24.1501, 24.1503, 24.1504, and 24.1507, all relating to the City Employees' Retirement System.

(See Report from the City Attorney dated 2/2/2007; memorandum from Mayor Sanders and Council President Peters dated April 5, 2007; and Independent Budget Analyst Reports No. 07-05, 07-26, and 07-43.)

(Continued from the meeting of April 10, 2007, Item 332, April 17, 2007, Item S500, and May 1, 2007, Item 331, last continued at the request of Councilmember Madaffer, for further review.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/5/2007, Item 203. (Council voted 8-0):

(O-2007-93) CONTINUED TO TUESDAY, JUNE 5, 2007

Amending Chapter 2, Article 4, Division 15, of the San Diego Municipal Code, by repealing Section 24.1502, and amending Sections 24.1501, 24.1503, 24.1504, and 24.1507, all relating to the "Waterfall".

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:05 p.m. – 2:18 p.m.)

MOTION BY ATKINS TO CONTINUE TO TUESDAY, JUNE 5, 2007, FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-201: McKinnon Residence, Project No. 51161.

Matter of approving, conditionally approving, modifying or denying an application for a Coastal Development Permit, Easement Abandonment (sewer easement), and Site Development Permit (Deviation from Environmentally Sensitive Lands, Steep Slopes, regulations regarding drainage) to demolish an existing one-story residence to construct a 11,043 square foot, two-story single family residence with basement on a 63,646 square foot (1.46 acre) site at 3300 Kellogg Way containing Environmentally Sensitive Lands (steep slopes) in the RS-1-4 Zone within the Peninsula Community Plan, Coastal Overlay Zone (appealable), Coastal Height Limit Overlay Zone, Council District 2.

(See Report to the City Council No. 07-088. Peninsula Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-912) ADOPTED AS RESOLUTION R-302606

Adoption of a Resolution certifying that the information contained in Negative Declaration No. 51161 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended and the State guidelines thereto (California Code of Regulations Section 15000 et seq.) that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit/coastal development permit and an easement vacation for the McKinnon Residence project;

Declaring that the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2007-913) ADOPTED AS RESOLUTION R-302607

Adoption of a Resolution vacating the portion of Easement Abandonment No. 404901 located within the Peninsula Community Plan area in connection with CDP No. 147413/SDP No. 147529, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20641-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof;

That said easement abandonment is conditioned upon abandonment of the on-site public sewer main and construction of a replacement private sewer lateral and issuance of CDP No. 147413/SDP No. 147529. In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

Declaring the City Engineer to advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

Subitem-C: (R-2007-914) GRANTED PERMIT; ADOPTED AS
RESOLUTION R-302608

Adoption of a Resolution granting the permit, with appropriate findings to support Council action with respect to Coastal Development Permit No. 147413 – San Diego Municipal Code (SDMC) Section 126.0708; and Site Development Permit No. 147529 – SDMC Section 126.0504.

OTHER RECOMMENDATIONS:

Planning Commission on February 15, 2007, voted 5-0-2 to approve staff's recommendation; no opposition.

Ayes: Griswold, Otsuji, Garcia, Ontai, Naslund
Not present: Schultz
One vacancy

The Peninsula Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Should the City Council approve the Planning Commission recommendation of approval to demolish an existing one-story, single-family residence, and to construct a two-story, single-family residence at 3300 Kellogg Way, subject to abandonment of the on-site public sewer main, and construction of a replacement private sewer lateral?

STAFF RECOMMENDATION:

CERTIFY Negative Declaration No. 51161; APPROVE Coastal Development Permit No. 147413; APPROVE Site Development Permit No. 147529; APPROVE Easement Abandonment No. 404901.

EXECUTIVE SUMMARY:

This project proposes to demolish an existing one-story, non-historic, single-family home (built in 1951), and to construct a two-story single-family home with an attached two-car garage, and four off-street guest parking spaces, in the La Playa Area of the Peninsula Community on a 63,646 square foot (1.46 acre) developed lot within the RS-1-4 Zone of the Coastal Overlay Zone (appealable), First Public Roadway, and Coastal Height Limit Overlay Zone. The subject lot is located in a gated community at 3300 Kellogg Way in the southern portion of the Peninsula Community overlooking San Diego Bay and Shelter Island east of the project site.

The developed lot contains Steep Hillside as regulated by the Environmentally Sensitive Lands (ESL) regulations of the San Diego Municipal Code (SDMC). These regulations normally prohibit a project from directing drainage into ESL. However, for this site location due to topography, direction of existing site drainage into the ESL, and configuration of the private road of Kellogg Way, staff believes that the requirement to direct drainage away from the steep slopes would cause undue hardship on the owner and is therefore recommending to grant the deviation, as processed through a Site Development Permit, in accordance with the procedures of the SDMC ESL regulations.

The project also involves abandonment of a public sewer easement and six-inch public sewer main, which run directly under the existing residence. Approval of the easement abandonment, pursuant to SDMC Section 112.0131, requires approval by the City Council, following a recommendation of the Planning Commission. In accordance with the Municipal Code, all discretionary actions must be consolidated and processed together, resulting in consideration of the Coastal Development Permit, Site Development Permit, and Easement Abandonment by the City Council. If the project did not involve the easement abandonment, it would have been considered by a Hearing Officer as a Process 3 action.

The project scope includes landscaping, storm water runoff controls, installation of a residential fire sprinkler system, and construction of a new sewer lateral for the adjacent residence. The project site is up-gradient from, and not affected by, the U.S. Navy site to the south. Development of the project includes approximately 220 feet of retaining wall, up to 13 feet high along the slopes behind the required setbacks, and six feet high or less within the setback (rear and side), screened with landscaping.

FISCAL CONSIDERATIONS:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On January 2005, the Peninsula Community Planning Board voted 12-0-1 to recommend approval. On February 17, 2007, the Planning Commission voted 5-0 to recommend approval to City Council.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Dan McKinnon, owner
Steven Doctor, agent for owner

Waring/Escobar-Eck/CW

LEGAL DESCRIPTION:

The project site is located in the RS-1-4 (Residential-Single-Unit) zone within the Coastal Overlay Zone (Appealable), Coastal Height Limitation Overlay Zone and Peninsula Community Plan Area and is more particularly described as a portion of Pueblo Lots 105, 106 and 107 of Miscellaneous Map No. 36 (APN 532-410-17).

Staff: Cory Wilkinson – (619) 557-7900
Andrea Contreras Dixon – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:17 p.m. – 3:22 p.m.)

MOTION BY FAULCONER TO ADOPT THE RESOLUTIONS IN SUBITEMS A AND B AND GRANT THE PERMIT IN SUBITEM C WITH DIRECTION TO INCLUDE AN INDEMNIFICATION AND A HOLD HARMLESS AGREEMENT.

Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S400: Pursuant to the San Diego Municipal Code Section 22.0710, the City Auditor and Comptroller's Office is Requesting a Hearing on the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending June 30, 2003.

(See Report to the City Council 07-065 and City of San Diego's Fiscal Year 2003 Comprehensive Annual Financial Report.)

(Continued from the meetings of April 23, 2007, Item 202, and May 7, 2007, Item 201, last continued at the request of Councilmember Faulconer, for further review.)

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Take the following actions:

CONTINUED TO TUESDAY, MAY 22, 2007

Receiving and filing the Fiscal Year 2003 City's Comprehensive Annual Financial Report (CAFR);

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

SUPPORTING INFORMATION:

Consistent with the remedial recommendation contained in the Report of the Audit Committee of the City of San Diego (Kroll Report) dated August 8, 2006, staff has provided numerous drafts of the CAFR to the City Council for their review and comment prior to the April 16, 2007 City Council meeting where this document will be discussed. At this meeting staff is recommending that it be received by the City Council as final. This document has been approved by the City's Disclosure Practices Working Group (DPWG) and the certificate of approval has been attached to this agenda item.

The public may obtain a copy of the City's 2003 CAFR on the City website at no charge.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

October 16, 2006 Council Meeting.

Levin/Goldstone

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:18 p.m. – 2:18 p.m.)

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, MAY 22, 2007, FOR FURTHER REVIEW. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S401: Del Mar Heights Road Maintenance Assessment District Formation

(See Report to the City Council No. 07-069 Rev. Torrey Pines Community Plan Area. District 1.)

(Continued from the meeting of May 7, 2007, Item 202, at the request of the City Attorney, to meet noticing requirements).

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-1088) ADOPTED AS RESOLUTION R-302609

Initiating proceedings for the formation of the Del Mar Heights Road Maintenance Assessment District.

Subitem-B: (R-2007-1090) ADOPTED AS RESOLUTION R-302610

Approving the Engineer's report submitted in connection with the proposed formation of the Del Mar Heights Road Assessment District.

Subitem-C: (R-2007-997 Cor. Copy) ADOPTED AS RESOLUTION R-302611

Resolution of Intention to form the Del Mar Heights Road Maintenance Assessment District and to levy and collect Fiscal Year 2008 Annual Assessments on Del Mar Heights Road Maintenance Assessment District.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This City Council action is to start the process to form a new maintenance assessment district to maintain landscaping improvements along certain sections of Del Mar Heights Road. Under the guidelines of Proposition 218, all property owners receiving benefit from the improvements within the district have an opportunity to vote in favor or in opposition to the formation of this maintenance assessment district: community driven or developer driven. This request is community driven.

STAFF RECOMMENDATION:

1. Adopt the resolution initiating proceedings for the formation of the Del Mar Heights Road Maintenance Assessment District;
2. Adopt the resolution preliminarily approving the engineer's report submitted in connection with the proposed formation of the Del Mar Heights Road Maintenance Assessment District;
3. Adopt the resolution of intention to form the Del Mar Heights Road Maintenance Assessment District and to levy and collect Fiscal Year 2008 annual assessments on the Del Mar Heights Road Maintenance Assessment District.

SUMMARY:

This action authorizes the ballot protest proceedings to form the Del Mar Heights Road Maintenance Assessment District. If approved by the property owner vote, this action also authorizes the Fiscal Year 2008 assessment and budget. The District is located in the Torrey Pines Community Planning Area along the Del Mar Heights Road corridor bounded by Crest Canyon Open Space park to the north, Torrey Pines State Reserve to the south, the City of Del Mar to the west, and Interstate 5 to the east.

The purpose of the District is to fund the enhanced maintenance of landscaped and hardscaped improvements including identified medians, curbs, and gutters.

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FISCAL CONSIDERATIONS:

Approximately \$ 51,034 will be assessed to the property owners within the District in Fiscal Year 2008. The City owns one assessable parcel in the District. The General Fund impact is \$22.90 for FY 2008. The District will be entitled to a contribution from the Gas Tax Fund 30219 in the amount of \$4,188. These funds are included in the proposed Fiscal Year 2008 Budget Process. The proposed Fiscal Year 2008 budget for the District is as follows:

	<u>FY 2008</u>	<u>Maximum Authorized</u>
EXPENSES		
Personnel	\$1,500	\$4,505
Landscape Contract	\$7,178	\$34,183
Incidentals	\$801	\$1,841
Administration	\$3,000	\$3,686
Utilities (energy, water utilities & storm drain fee)	\$0	\$719
Repayment to MAD Formation Fund (one-time expense)	<u>\$30,000</u>	<u>\$0</u>
TOTAL EXPENSES	\$42,479	\$44,934
REVENUES		
Assessments	\$51,034	\$52,590
City Contributions - Gas Tax	<u>\$4,188</u>	<u>\$5,824</u>
TOTAL REVENUES	\$55,222	\$58,414
FUND BALANCE (Carryover & Reserve)		
Allocated Reserve/Carryover (20% of operating budget)	\$8,495	\$8,987
Required Minimum Reserve (10% of operating budget)	<u>\$4,248</u>	<u>\$4,493</u>
TOTAL FUND BALANCE	\$12,743	\$13,480

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The majority of the assessments will be borne by residences within the community. The community submitted a petition and was granted use of City formation funding in September 2005. The Torrey Pines Planning Group endorsed the formation at its October 12th 2006 meeting. The Del Mar Heights Rd. Advisory Group has supported the effort and, in conjunction with the Planning Group, held a community outreach and information meeting on March 8, 2007. Some community opposition to this formation has been expressed.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders in the area are the local residences, the Del Mar Union High School District, Safeway Stores Inc., Longs Drug Inc., and several smaller businesses. Information and outreach efforts are being made to all stakeholders.

Reynolds/LoMedico/ CB

Staff: Clay Bingham – (619) 533-6724
Pedro De Lara, Jr. – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:53 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S402: North Park Maintenance Assessment District – Reballot.

(See Report to the City Council No. 07-068 Rev. North Park Community Area. District 3).

(Continued from the meeting of May 7, 2007, Item 203 at the request of the City Attorney, to meet noticing requirements.)

STAFF RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2007-1091) ADOPTED AS RESOLUTION R-302612

Initiating the proceedings for the augmentation of the North Park Maintenance Assessment District.

Subitem-B: (R-2007-1092) ADOPTED AS RESOLUTION R-302613

Preliminary approving the Engineer's Report submitted in connection with the proposed augmentation of the North Park Maintenance Assessment District.

Subitem-C: (R-2007-1000 Cor. Copy) ADOPTED AS RESOLUTION R-302614

Resolution of Intention to augment the North Park Maintenance Assessment District and to levy and collect Fiscal Year 2008 Annual Assessments on North Park Maintenance Assessment District.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This City Council action will increase the Fiscal Year 2008 assessments for the North Park Maintenance Assessment District. The District is generally located north of Upas and Juniper Streets, south of Monroe Avenue, west of Interstate 805, and east of Georgia Street.

Projects authorized by the current District have largely been completed. In response to the limited services the current District can provide, and in reaction to community outreach which identified a need for enhanced future community improvements and services within the District, community representatives have requested that the City initiate proceedings to allow for an increase in assessments beyond the amount currently authorized.

STAFF RECOMMENDATION:

~~Authorize the commencement of the 45-day balloting period as required by law and schedule a public hearing for July 10, 2007.~~

1. Adopt the resolution initiating proceedings for the augmentation of the North Park Maintenance Assessment District.
2. Adopt the resolution preliminarily approving the engineer's report submitted in connection with the proposed augmentation of the North Park Maintenance Assessment District.
3. Adopt the resolution of intention to augment the North Park Maintenance Assessment District and to levy and collect Fiscal Year 2008 annual assessments on the North Park Maintenance Assessment District.

EXECUTIVE SUMMARY:

Authorize the commencement of the 45-day balloting period as required by law and schedule a public hearing for July 10, 2007.

FISCAL CONSIDERATIONS:

Approximately \$533,937 will be assessed to property owners within the District in Fiscal Year 2008. The City owns 78 assessable parcels in the District, and it is estimated that the General Fund impact will increase from \$3,136.50 to \$4,426.46. The District will be entitled to a contribution from Gas Tax Fund 30219 in the amount of \$20,221. These funds have already been requested as part of the Fiscal Year 2008 budget process. The proposed Fiscal Year 2008 Budget for the District is as follows:

	<u>FY 2008</u> <u>(1)(2)</u>	<u>Maximum</u> <u>Authorized</u> <u>(2)(3)</u>
OPENING FUND BALANCE		
Carryover Fund Balance	\$480,449	--
EXPENSES		
Personnel	\$ 38,952	\$ 38,952
Contractual Services	\$205,205	\$205,205
Neighborhood Services	\$442,507	\$442,507
Miscellaneous Services	\$ 17,084	\$ 17,084
Incidentals	\$ 31,352	\$ 31,352
Utilities	<u>\$ 50,751</u>	<u>\$ 50,751</u>
TOTAL EXPENSES	\$785,851	\$785,851

REVENUES

Assessments	\$534,175	\$534,175
Interest	\$ 15,500	\$ 15,500
City Contributions – Gas Tax	<u>\$ 18,134</u>	<u>\$ 18,134</u>
TOTAL REVENUES	\$567,809	\$567,809

CLOSING FUND BALANCE **\$262,407** **--**

- 1) FY 2008 IS THE City's Fiscal Year 2008, which begins July 1, 2007 and ends June 30, 2008.
- 2) Individual line item expenses may be higher or lower than shown on an annual basis.
- 3) Maximum authorized annual assessment subject to cost-indexing provisions contained in Assessment Engineers Report.

Annual assessments were calculated by an assessment engineer for parcels within the District and are based on each parcel's equivalent benefit unit (EBU), which is equivalent to one single family dwelling unit. This rate is impacted by parcel land use, benefit, acreage of non-residential properties, and location of properties. The proposed rate for Fiscal Year 2008 would be \$30.28 per EBU.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The District was originally established in April 1996, balloted for compliance with Proposition 218 in 1998, with provisions for additional improvements to be maintained by the District. The additional improvements were determined through a process of community participation and input, and property owners approved the re-engineering of the District with 61.5% of the weighted vote.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The membership of the North Park Maintenance Assessment District Citizen's Advisory Committee (NP CAC), consists of representatives from the following community organizations: Greater North Park Planning Committee, North Park Community Association, Altadena Neighborhood Association, El Cajon Boulevard Business Improvement District, North Park Law Enforcement Committee, San Diego County Apartment Association, North Park Redevelopment Project Area Committee, Burlingame Neighborhood Association and North Park Main Street. The committee also provides for one (1) Homeowner/Resident position. The committee member organizations passed resolutions in support of re-engineering the District on the following dates:

1. North Park Project Area Committee: December 13, 2005
2. North Park Main Street: December 14, 2005
3. Greater North Park Planning Committee: January 17, 2006
4. North Park Community Association: January 25, 2006
5. Burlingame Neighborhood Association: February 3, 2006
6. El Cajon Business Improvement Association: February 13, 2006
7. Altadena Neighborhood Association: February 24, 2006
8. San Diego County Apartment Association: April 3, 2007

Additionally, the North Park Maintenance Assessment District CAC passed the following motions:

1. February 12, 2007 - Approved Fiscal Year 2008 Reballot Budget
2. March 12, 2007 - Approved North Park Assessment Engineer's Report

The North Park Maintenance Assessment District CAC has been gathering input and reviewing improvement areas and service levels for the past 17 months. In a survey of property owners located within the District in early 2006, nearly 80% of respondents were in favor of the re-engineering of a new district with a broader range of permissible improvements and services. Additionally, a "North Park Town Hall" meeting was conducted on April 8, 2006 in part to discuss the proposed re-engineering of the District and gather additional community input.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

In addition to the major stakeholder organizations mentioned above, residential property owners are approximately assessed 74% and commercial property owners 24% of the total revenue collected in the District. Under the proposed action, resident property owners will see an annual increase of \$11.59, while commercial property owner's increases will vary depending upon the relative acreage of their parcels.

LoMedico/Reynolds/CB

Staff: Clay Bingham -- (619) 533-6724
Pedro De Lara, Jr. - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:53 p.m. – 2:57 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-250: **Notice of Pending Final Approval - Metropolitan Wastewater Department (MWWD) Business Process Reengineering Report.**

(See Report to the City Council No. 07-077.)

Notice is hereby given that City staff has completed a business process reengineering study of the Metropolitan Wastewater Department functions. A copy of the Report to the City Council is available for public viewing at the Office of the San Diego City Clerk. The report's recommendations include:

1. Reorganization of the Department with support functions consolidated into a single division,
2. Relocation of the Stormwater Pollution Prevention Division to the General Services Department,
3. Streamlining of processes,
4. Reduction of management and supervisory positions, and
5. Modifications to shifts and schedules to decrease overtime and improve efficiencies.

This report will be approved and implemented unless the Council President or any four members of the Council request a public hearing on the report. Such hearing must take place and a determination made as to approve or reject the report within a review period of 60 days or five Council Meetings. At the conclusion of the review period and no hearing having been held, the Mayor will proceed with implementation of the BPR changes.

If you have questions about the Metropolitan Wastewater Department Business Process Reengineering Report, please feel free to contact Rick Reynolds at (619) 236-5953.

ITEM-251: **Notice of Pending Final Approval -Fleet Services Business Process Reengineering Report.**

(See Report to the City Council No. 07-080.)

Notice is hereby given that City staff has completed a business process reengineering study of the Fleet Services Department functions. A copy of the Report to the City Council is available for public viewing at the Office of the San Diego City Clerk. The report's recommendations include:

6. Consolidation of the City's three fleet organizations into one Fleet Services Division within the General Services Department.
7. Expansion of the structured Internal Service Fund for vehicle operations and vehicle replacement programs to the public safety fleets.
8. Expansion of a variety of specialized expertise to the public safety fleets: acquisition and fitting, management information system, parts management, safety and budgeting.
9. A more efficient repair/maintenance process.
10. Closure of the General Services' Central Operations Station.
11. The Miramar Place facility will continue specialization in refuse packers only.
12. The Fire-Rescue facility will specialize in heavy duty Fire-Rescue apparatus only.
13. Elimination of Voluntary Furlough participation.

This report will be approved and implemented unless the Council President or any four members of the Council request a public hearing on the report. Such hearing must take place and a determination made as to approve or reject the report within a review period of 60 days or five Council Meetings. At the conclusion of the review period and no hearing having been held, the Mayor will proceed with implementation of the BPR changes.

If you have questions about the Fleet Services Business Process Reengineering Report, please feel free to contact Rick Reynolds at (619) 236-5953.

ITEM-252: Notice of Pending Final Map Approval - Palazzo.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Palazzo" (T.M. No. 219822/PTS No. 33906), located on the north side of Torrey Pines Road easterly of the intersection of La Jolla Parkway in the La Jolla Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- 1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- 2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- 3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Anne Hoppe at (619) 446-5290.

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REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 3:27 p.m.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 3:27 p.m. – 3:27 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

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UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 15, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:03 a.m. Council President Peters recessed the meeting at 10:19 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 10:44 a.m. with Council Member Maienschein not present. The meeting was recessed by Council President Peters at 11:34 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:02 p.m. with Council Members Maienschein and Hueso not present. Council President Peters recessed the meeting at 2:03 p.m. to simultaneously convene the Redevelopment Agency with the regular meeting. Council President Peters reconvened the regular meeting at 2:06 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 3:05 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:11 p.m. with Council Member Maienschein not present and thereafter reconvened the Redevelopment Agency. Council President Peters reconvened the regular meeting at 6:37 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 6:42 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

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(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (mz/sr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:08 a.m.)

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PUBLIC COMMENT-2:

Bryan Pease commented on protecting the San Diego seals.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:11 a.m.)

PUBLIC COMMENT-3:

Joy Sunyata commented on public speaking in Council meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:14 a.m.)

PUBLIC COMMENT-4:

Hud Collins commented on the City of San Diego pension and financial crisis

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:14 a.m. – 11:17 a.m.)

PUBLIC COMMENT-5:

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:21 a.m.)

PUBLIC COMMENT-6:

Rosalind Winstead commented on discrimination regarding equal opportunity policies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:25 a.m.)

PUBLIC COMMENT-7:

Phil Hart commented on the City of San Diego budget process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:25 a.m. – 11:28 a.m.)

PUBLIC COMMENT-8:

Paola Tresco commented on apartment building issues in Ocean Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:28 a.m. – 11:31 a.m.)

PUBLIC COMMENT-9:

John Pilch commented to include the reason for excusing Council Members absent from Council meetings in the minutes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:30 a.m. – 11:31 a.m.)

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INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: Thomas N. Fat Day.

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1074) ADOPTED AS RESOLUTION R-302604

Recognizing Thomas N. Fat for his 30 years of civic leadership and commending him for his tireless work as a champion for the City and citizens of San Diego;

Proclaiming May 15, 2007, to be "Thomas N. Fat Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:38 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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ITEM-31: San Diego Tourism Week.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FAULCONER'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1044) ADOPTED AS RESOLUTION R-302615

Declaring May 14-20, 2007, to be "San Diego Tourism Week" in San Diego in recognition of the importance of the visitor industry to San Diego's economy and quality of life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. – 10:16 a.m.)

MOTION BY FAULCONER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: Michael W. Murphy Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-892) ADOPTED AS RESOLUTION R-302616

Commending Michael Murphy for his passionate commitment to Sharp HealthCare and thanking him for the many hours he has devoted toward the health care needs of San Diego residents;

Proclaiming May 15, 2007, be "Michael W. Murphy Day" in the City of San Diego.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. – 10:08 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

* ITEM-50: Lease Purchase Agreement with IBM Credit LLC.

(See Report to the City Council No. 07-060 and memorandums from
Mayor Sanders dated 4/18/2007 and 4/12/2007. Citywide.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/2007, Item S505,
Subitem A. (Council voted 6-2. Councilmembers Maienschein and Frye voted nay):

(O-2007-125 Cor. Copy 2) ADOPTED AS ORDINANCE
O-19618 (New Series)

Authorizing a Master Lease Agreement for the purpose of financing the
acquisition of the Enterprise Resource Planning System in a principal amount not
to exceed \$29.5 million and taking other actions in connection therewith.

NOTE: 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote:
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay,
Madaffer-yea, Hueso-yea.

- * ITEM-51: Increase to the Fiscal Year 2007 Water Department Capital Improvement Program Budget.

(See Report to the City Council No 06-194.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/2007, Item S504, (Council voted 7-0. Councilmember Atkins not present):

(O-2007-117) ADOPTED AS ORDINANCE O-19619 (New Series)

Amending the Fiscal Year 2007 Capital Improvements Program Budget for the Water Department by increasing the budget amount by an amount not to exceed \$17,000,000;

Authorizing the City Auditor and Comptroller to appropriate \$17,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500; of which \$12,000,000 is for CIP-73-083.0, Annual Allocation - Water Main Replacements; and \$5,000,000 in CIP-75-926.0, Water CIP Reserve;

Authorizing the appropriation and expenditure of an amount not to exceed \$12,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500, contingent upon the approval and award of one or more contracts to perform such work, solely and exclusively, for the purpose of accelerating the program for bid and award of projects to meet the State Department of Health services mandate for replacement of cast iron water mains;

Authorizing the appropriation of an amount not to exceed \$5,000,000 from the Water Department Un-appropriated Fund Balance in Water Fund 41500, solely and exclusively, for the purpose of replenishing CIP-75-926.0, the Water CIP Reserve;

Declaring that this activity is not a project subject to the California Environmental Quality Act (CEQA), because it is a government fiscal activity which is excluded from the definition of a project pursuant to State CEQA Guidelines Section 15378(b)(4), and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

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NOTE: 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-52: Amending the No Smoking Ordinance for San Diego's Parks and Beaches to Include Beach Boardwalks, Seawalls, Piers and Cabrillo Bridge in Balboa Park.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/1/2007, Item 50. (Council voted 8-0):

(O-2007-88 Cor. Copy 2) ADOPTED AS ORDINANCE
O-19620 (New Series)

Amending Chapter 4, Article 3, Division 10, of the San Diego Municipal Code by amending Sections 43.1001, 43.1002, 43.1003, 43.1004, 43.1005, 43.1006, 43.1007, 43.1008, 43.1009, and 43.1010, and by amending Chapter 6, Article 3, Division 00, Section 63.20.16, all relating to the regulation of smoking and prohibiting the use of tobacco products on City-owned fishing piers, on boardwalks, seawalls, and the Cabrillo Bridge in Balboa Park.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-53: Amending Chapter 6, Article 3, of the San Diego Municipal Code by adding Language that Clarifies the Meaning of the Land/Water Distinction as Characterized within Section 55.1 of the City Charter.

(See memorandum from the City Attorney dated 11/13/2006. Districts 2 and 6.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2007-131 Cor. Copy)

CONTINUED TO MONDAY,
JULY 16, 2007

Introduction of an Ordinance amending Chapter 6, Article 3, Division 25, of the San Diego Municipal Code by amending Section 63.25.1, relating to Public Works and Property, Public Improvement and Assessment Proceedings.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/15/2006, NR&C voted 3 to 0 to forward this item to full City Council for action. (Councilmembers Faulconer, Frye, and Hueso voted yea. Councilmember Atkins not present.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:59 a.m. – 10:59 a.m.)

MOTION BY MADAFFER TO CONTINUE TO MONDAY, JULY 16, 2007, AT THE REQUEST OF THE MAYOR'S OFFICE FOR CLARIFICATION REGARDING LAND/WATER DISTINCTIONS WITHIN THE CITY CHARTER. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

- * ITEM-100: Declaring Palm Street Improvements an Emergency Project and Authorize Construction Contract Award to Cass Construction, Inc.

(Uptown Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-934) ADOPTED AS RESOLUTION R-302617

Declaring the damage to the storm drain, and consequently, the failure of the slope at the cul-de-sac on Palm Street near 4th Avenue to constitute an emergency within the meaning of the City of San Diego Charter Section 94 and that the repair of the drain and slope was necessary to remediate that emergency;

Ratifying the award of the contract for the construction of Palm Street Improvements to Cass Construction, Inc. in the amount of \$698,735;

Declaring that this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15269(c).

STAFF SUPPORTING INFORMATION:

Due to slope erosion during the heavy rain storms of 2004, an 18" CMP storm drain outfall collapsed along with a good portion of the hillside that washed into Maple Canyon. In addition, the existing roadway was undermined, which resulted in cracks developing within the roadway and existing parking lot north of the roadway. The failed outfall is at the end of Palm Avenue which dead ends between two business buildings. There was an immediate risk of losing a portion of the parking lot, which grew to threaten a northerly business building if the slope erosion was not contained. This project was determined to be an emergency and was split into two phases, temporary and permanent repairs. For the temporary repair and in an effort to stabilize the existing slope and prevent any immediate threat to the street and/or surrounding buildings and parking lot, an interim repair was implemented by a GRC contractor in March 2005, following recommendation of a geotechnical engineer firm. Despite the temporary repair and stabilization efforts, the risk of further slope failure and resulting potential threat of considerable damage to surrounding properties remains high. Consequently, completing permanent repairs before the next heavy rainfall is imperative.

FEMA approved funding for this project with a construction completion date of March 31, 2007. Construction funds became available on January 2007. Due to the urgent nature of the project and the need to meet FEMA construction deadline, this project was declared to constitute an emergency within the meaning of the City of San Diego Charter Section 94. The City invited 13 qualified contractors to the job site to bid the project. Cass Construction, Inc. was the low responsive bidder. Construction commenced on January 10, 2007, and was finished by mid March 2007.

This request will declare this an emergency project and ratify award of contract for \$698,735 to Cass Construction, Inc. to construct the second (permanent repair) phase of the project due to the potential threat to the slope, street, parking lot, and surrounding buildings should heavy rains fall.

FISCAL CONSIDERATIONS:

The total project cost is \$1,110,000 (AC 2700505 for construction contract (PA700) \$698,735; R-302178 adopted December 15, 2006 increased budget by \$860,000). The work will be completed under Job Order 130073. This action does not impact funding of existing projects.

PREVIOUS COUNCIL COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Coordination with 2900 4th Avenue property owner.

KEY STAKEHOLDERS:

Cass Construction, Inc.
Harris & Associates
EDAW, Inc.
Geotechnics, Inc.

Boekamp/Haas

Staff: Jamal Batta - (619) 533-3769
Peter A. Mesich - Deputy City Attorney

FILE LOCATION: CONT-Cass Construction Inc.

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-101: Inviting Bids for the Construction of San Clemente Canyon Mitigation Project.

(Clairemont Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-995) ADOPTED AS RESOLUTION R-302618

Approving the plans and specifications for the San Clemente Canyon Mitigation Project (Project), on Work Order No. 764131;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to award the contract for the Project to the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$876,000 from Sewer Fund 41506, Dept. 776, Org. 722, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines 15378(c). This activity is a subsequent discretionary approval covered under EIR Project Number 6020, Canyon Sewer Cleaning Program. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15177. (BID-K073842)

STAFF SUPPORTING INFORMATION:

The San Clemente Canyon Mitigation Project involves the creation of 2.18 acres of wetland habitat and 3.31 acres of upland habitat located on various City of San Diego owned parcels within San Clemente Canyon. The two areas selected for use as mitigation sites are located within Marian Bear Memorial Park. The Regents East Site is located approximately 600 feet east of the Regents Avenue East parking area, south of San Clemente Creek. The Genesee East site is located approximately 4,000 feet east of the Genesee Parking area, south of San Clemente Creek.

The project serves to mitigate impacts (both anticipated and existing) associated with MWWD projects located in the San Clemente Canyon, the other Tri-Canyon Parks, and the Peñasquitos Watershed. It consists of site preparation, installation of erosion control measures, grading, soil export and disposal, finish grading, installation of a temporary irrigation system, revegetation, and the implementation of a long-term maintenance and monitoring period. A construction contract to install the project will be advertised in accordance with the requirements of the Municipal Code. The contract will be awarded to the lowest responsible bidder.

Timely restoration of impacts within canyons and other environmentally sensitive areas is critical to comply with the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Programmatic Environmental Impact Report (PEIR) and Master Permit approved July 15, 2004. Timely mitigation of impacts associated with these activities is also required under the California Environmental Quality Act (CEQA) and by regulatory agencies. Accordingly, this project is proposed to meet these requirements.

FISCAL CONSIDERATIONS:

The total not to exceed authorization is \$876,000. Funds have been budgeted in the FY 07 operating budget and are available in Sewer Fund 41506, Dept. 776, Org. 722, for this project. This project is part of the existing operation and maintenance program and is not dependent on future financing proceeds. Funding will be from sewer revenue rates only.

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PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Metropolitan Wastewater Department (MWWD) regularly implements construction, repair, or maintenance activities in accordance with Council Policies 400-13 and 400-14. The San Clemente Canyon Mitigation Project is provided for purposes of permitting and mitigating upland and wetland impacts, both anticipated and existing, associated with the Metropolitan Wastewater Department's Canyon Sewer Access and Pipeline Replacement projects located within the Peñasquitos Watershed.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

MWWD has worked in close consultation with the Marian Bear Recreation Council. The project was approved by the Rec. Council at their meeting on January 11, 2006. The project was also presented to the Clairemont Mesa Planning Committee on March 21, 2006.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The plan has been reviewed and approved by the Development Services Department (DSD), the Planning Department's Multiple Species Conservation Program (MSCP), the Park and Recreation Department, and the permitting regulatory agencies including the Army Corps of Engineer (ACOE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Game (CDFG). This project serves to mitigate for MWWD's previous and future impacts.

Ferrier/Haas

Aud. Cert. 2700664.

Staff: Laura Ball - (858) 292-6417
James W. Lancaster - Deputy City Attorney

FILE LOCATION: W.O. 764131

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

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- * ITEM-102: Change Order No. 1 for the Construction of the San Diego Museum of Art Roof Replacement (Project).

(Balboa Park Community Area. District 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1030) ADOPTED AS RESOLUTION R-302619

Approving Change Order No. 1, dated March 8, 2007, issued in connection with the contract between the City of San Diego and Premier Roofing, Inc., for the construction of the San Diego Museum of Art Roof Replacement (Project), said contract having been filed in the Department of Purchasing and Contracting as Document No. K073622; and the changes therein set forth, amounting to a net increase in the contract price of \$322,031;

Authorizing the expenditure of an amount not to exceed \$322,031 from CIP-38-003.0, Museum of Art Roof Replacement, for the purpose of executing this construction change order, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that this activity is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines under Section 15301(d), as repairs and restoration of existing facility.

STAFF SUPPORTING INFORMATION:

On November 3, 2006, the City Council authorized the addition of CIP-37-035.0, Roof Replacements (Resolution No. R-302012) to the Fiscal Year 2007 Capital Improvement Program, and the expenditure of funds for this purpose. The Museum of Art Roof Replacement Project is one of the roof replacement projects which were budgeted to be performed under CIP-37-035.0, Sublet No. 38-003.0, Museum of Art Roof Replacement. The Museum of Art roof is old, leaking, and deteriorated, raising concerns affecting health, safety, and possible property damage.

Based on further investigation and evaluation of the existing roof, it was determined that additional areas of the existing roof need repair. Five existing HVAC units also need to be replaced and friable asbestos was discovered on some roof areas. This additional scope of work was included in the contract documents as an "Additive Alternate" pending funding approval. A contract was awarded to Premier Roofing, Co. in the amount of \$994,100 to perform work on the original scope of work. An additional \$322,031 is available to perform the "Additive Alternate" to replace additional portions of the museum's roof.

The total cost estimate for the Museum of Art roof replacement project is \$1,631,131 of which \$1,316,131 is for the construction contract with Premier Roofing. The remaining funds are for project contingency, project management and construction inspection.

FISCAL CONSIDERATIONS:

Funding for this project is available in the Museum of Art Roof Replacement Project, CIP-38-003.0.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

City Council Resolution No. R-302012, dated November 3, 2006, Fiscal Year 2007 Capital Improvement Program Amended Budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

City Staff has met with the museum's management to provide project information and to coordinate construction phases with museum activities.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

This action will result in a positive impact to the Museum and its visitors by improving the facility.

Oskoui/Haas/Boekamp

Aud. Cert. 2700656.

Staff: Afshin Oskoui - (619) 533-3102
Christina L. Bellows - Deputy City Attorney

FILE LOCATION: CONT-Premier Roofing, Inc.

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

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CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-103: Exchange Agreement with San Diego Unified School District for the Fay Avenue Realignment Project.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1066) ADOPTED AS RESOLUTION R-302620

Authorizing the Mayor, or his designee, pursuant to the terms and conditions of that certain "Master Agreement," dated October 8, 2002, by and between the City of San Diego (City) and the San Diego Unified School District (District), and adopted by the Council on October 7, 2002, by Resolution No. R-297156, to execute and deliver, for and on behalf of the City, an "Exchange Agreement" with the District, and to take all actions necessary to complete the exchange of approximately 26,173 square feet of the City's right-of-way property which adjoins the District's La Jolla High School property, for approximately 26,172 square feet of District property for the realignment of Fay Avenue, north of Nautilus Street, under the terms and conditions set forth in that certain Exchange Agreement.

STAFF SUPPORTING INFORMATION:

By Resolution R-297156, adopted October 7, 2002, the City Council authorized the execution of an agreement entitled "Master Agreement," between the City of San Diego (City) and the San Diego Unified School District (District), for the future exchange, purchase, and/or disposition of property interests between the City and District. Pursuant to the terms of the Master Agreement, separate and individual "Exchange Agreements" would be executed to effectuate the exchange of property rights.

This action seeks authorization to enter into an Exchange Agreement for the exchange of property rights required for the Fay Avenue Realignment Project. On the merits of the Participation Agreement for the Realignment of Fay Avenue, adopted March 27, 2001, as Resolution R-294687, District property amounting to 26,172 square feet was graded and improved as street right of way for the realignment of Fay Avenue, north of Nautilus Street.

In exchange, the City agreed to vacate 26,173 square feet of right-of-way, which adjoined the District's La Jolla High School property, to accommodate the District's construction of a science building and aquatics center. All improvements were completed in 2001; this action seeks authorization to complete the exchange of the affected property rights.

FISCAL CONSIDERATIONS:

In accordance with the terms of the Master Agreement, the property rights to be exchanged were appraised by an independent third-party appraiser. The agreed-upon value (i.e. "the ultimate value of an asset", as defined within Section 2.3 of the Master Agreement) of the City property is \$495,000, and the agreed-upon value of the District property is \$220,000. In further accordance with the Master Agreement, the \$275,000 differential in value shall be reflected in a ledger, Attachment "B" to the Master Agreement (the "Master Ledger"). This Ledger is attached as Exhibit "C" to the subject Exchange Agreement.

Accumulated debits and credits reflected in the ledger, when summed, shall reflect the net debit or credit position of the City or District, with the ledger to be exchanged and reconciled annually. At any given time, the difference between the two sides of the ledger may not exceed \$500,000. Per Resolution R-297156, adopted October 7, 2002, funds in the amount of \$500,000 have been appropriated and transferred from Capital Outlay Revolving Fund 30245, to the newly-created Capital Outlay Fund for the Acquisition and Disposition of Real Property Interests Fund 302454.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- R-294687, adopted 3/27/2001, authorized Participation Agreement for Fay Avenue Realignment;
- R-294688, adopted 3/27/2001, approved Plans and Specifications for Fay Avenue Realignment;
- R-294689, adopted 3/27/2001, certified Mitigated Negative Declaration (MND) No. 40-0692, dated 3/12/2001, related to the Fay Avenue Realignment;
- R-297156, adopted 10/7/2002, authorized Master Agreement, and the appropriation and transfer of \$500,000 from Capital Outlay Revolving Fund 30245, to the Capital Outlay Fund for the Acquisition and Disposition of Real Property Interests Fund 302454 (AC No. 2300369).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Fay Avenue Realignment Project received public comments addressing the findings of the Initial Study and MND for the project, at the time the above-stated Council actions went forward. However, no community participation and/or public outreach was required for the subject Exchange Agreement action.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

San Diego Unified School District.

Approval of this action will result in a \$275,000 credit to the City of San Diego, as reflected in the ledger associated with this Exchange Agreement.

Sandoval/Waring

Staff: Steve Geitz - (619) 236-6311
Brock Ladewig – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Lighted Crosswalk on Girard Avenue.

(La Jolla Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1055) ADOPTED AS RESOLUTION R-302621

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program Budget to increase CIP-61-001.0, Traffic Control and Calming Measures, by the amount of \$12,000;

Authorizing the City Auditor and Comptroller to accept, for and on behalf of the City, a contribution from the Gillespie School of \$12,000 for the installation of a lighted crosswalk adjacent to the school at 7380 Girard Avenue, and when received, to deposit it into Fund No. 63022, Private and Developer Contributions to CIP, CIP-61-001.0, Traffic Control and Calming Measures;

Authorizing the expenditure of an amount not to exceed \$12,000 from Fund No. 63022, Private and Developer Contributions to CIP, CIP-61-001.0, Traffic Control and Calming Measures, solely and exclusively, to provide funds to install a lighted crosswalk on Girard Avenue adjacent to the Gillespie School, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring that this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, as the construction or installation of a small structure or facility.

STAFF SUPPORTING INFORMATION:

This action will allow the City of San Diego to accept a contribution by The Gillespie School toward the design and construction of a lighted crosswalk adjacent to The Gillespie School located at 7380 Girard Avenue in La Jolla.

The Gillespie School has agreed to contribute \$12,000 toward the installation of the lighted crosswalk. The Engineering and Capital Projects Department has \$12,000 available in Fiscal Year 2007 Traffic Control and Calming Measures Annual Allocation (CIP-61-001.0) to cover the remaining of the total estimated project cost of \$24,000. The proposed lighted crosswalk is

similar to the existing lighted crosswalks at various intersections on La Jolla Boulevard. The purpose of the lighted crosswalk is to enhance pedestrian safety by improving drivers' awareness of pedestrians in the crosswalk. The lighted crosswalk will be activated by its users via pedestrian push buttons which will be installed on either side of the street. The proposed location of this lighted crosswalk has been evaluated by City staff and its installation is recommended.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$24,000. The Gillispie School is contributing \$12,000 toward the lighted crosswalk. City funds are available in CIP-61-001.0, Traffic Control and Calming Measures Annual Allocation.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff has met with members of the community and The Gillispie School.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Gillispie School

Boekamp/Haas

Staff: Deborah Van Wanseele - (619) 533-3012
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Kearny Mesa Community Park – Sidewalk Improvements.

(Kearny Mesa Community Area. District 6.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1053) ADOPTED AS RESOLUTION R-302622

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program Budget to add CIP-29-948.0, Kearny Mesa Community Park-Sidewalk Improvements;

Amending the Fiscal Year 2007 Capital Improvements Program Budget for CIP-29-948.0, Kearny Mesa Community Park - Sidewalk Improvements by increasing the budget amount by \$70,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$70,000 from CIP-29-948.0 Kearny Mesa Community Park – Sidewalk Improvements, Fund 18542, Community Development Block Grant Fund 2007, for the design and construction of ADA Sidewalk Improvements at the Kearny Mesa Community Park, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Declaring that this activity is exempt by California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Existing Facilities.

STAFF SUPPORTING INFORMATION:

In an effort to make the existing sidewalk leading from the parking area to the ball fields and comfort station accessible, Council District 6 identified funding through CDBG the sidewalk improvement. The existing sidewalk will be removed and replaced with an accessible route per the current ADA regulations.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Stakeholders: Park users.

Lomedico/Reynolds

Aud. Cert. 2700702.

Staff: Jim Winter - (619) 533-3040
Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-106: Driver Feedback Sign on Carmel Mountain Road.

(Carmel Valley Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1057) ADOPTED AS RESOLUTION R-302623

Authorizing and directing the City Auditor and Comptroller, in accordance with the Annual Appropriation Ordinance, to amend the Fiscal Year 2007 Capital Improvement Program budget to increase CIP-61-001.0, Traffic Control and Calming Measures, by the amount of \$12,000;

Authorizing the City Auditor and Comptroller to accept, a contribution from the Carmel Valley Neighborhood 10 North Homeowners Association of \$12,000 for the installation of a driver feedback sign on Carmel Mountain Road, and when received, to deposit it into Fund No. 63022, Private and Developer Contributions to CIP, CIP-61-001.0, Traffic Control and Calming Measures;

Authorizing the expenditure of an amount not to exceed \$12,000 from Fund No. 63022, Private and Developer Contributions to CIP, CIP-61-001.0, Traffic Control and Calming Measures, solely and exclusively to provide funds to install a driver feedback sign on Carmel Mountain Road, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Controller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, as the construction or installation of a small structure or facility.

STAFF SUPPORTING INFORMATION:

This action will allow the City of San Diego to accept a contribution by the Carmel Valley Neighborhood 10 North Homeowners Association toward the installation of a driver feedback sign on Carmel Mountain Road facing eastbound traffic between Harvest Run Drive and Amberglades Lane.

The Carmel Valley Neighborhood 10 North Homeowners Association has agreed to contribute \$12,000 toward the installation of the driver feedback sign. This sign is a traffic calming device that may be installed on streets where speeding vehicles are a major concern. This sign may be effective in reminding motorists that they are speeding and may encourage them to slow down. The sign has a built-in radar system that detects the speed of approaching vehicles and allows it to display that speed or use that information to display a predetermined message. The sign is programmable so that more than one message may be displayed, such as "YOUR SPEED XX,"

"SLOW DOWN," or "SPEED LIMIT XX," depending on the vehicles approaching speed. The proposed location of this sign has been evaluated by City staff and its installation is recommended.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$12,000. The Carmel Valley Neighborhood 10 North Homeowners Association is contributing \$12,000 toward the installation of a driver feedback sign.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Staff has met with members of the community and the Carmel Valley Neighborhood 10 North Homeowners Association.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Carmel Valley Neighborhood 10 North Homeowners Association.

Boekamp/Haas

Staff: Deborah Van Wanseele - (619) 533-3012
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-107: Appointment of Karen L. Howard to the Southeastern Economic Development Corporation Board of Directors.

(See memorandum from Mayor Sanders dated 4/27/2007.)

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MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1068) ADOPTED AS RESOLUTION R-302624

Confirming the appointment by the Mayor of the City of San Diego, of Karen L. Howard, to serve as a member of the Board of Directors of the Southeastern Economic Development Corporation (SEDC), after a full and complete public discussion and deliberation, for a term ending as indicated below, and electing Karen L. Howard to the SEDC Board of Directors.

NAME

Karen L. Howard
(Skyline Hills, District 4)
(Replacing Agnes Benson, whose term expired)

TERM ENDING

May 25, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-108: Appointments and Reappointments to the Balboa Park Committee.

(See memorandum from Mayor Sanders dated April 12, 2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1048) ADOPTED AS RESOLUTION R-302625

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Balboa Park Committee, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Jennifer Ayala (Downtown, District 2) (Replacing Joyce Summer, whose term expired) (Representing Downtown Community Planning Group)	March 1, 2008
Dr. Mick Hager (County of San Diego) (Replacing Dr. Jeffrey Kirsch, whose term expired) (Representing "large institution in Balboa Park")	March 1, 2009
David Kinney (North Park, District 3) (Replacing Nancy Rodriguez, whose term expired) (Representing "small or mid-sized institution in Balboa Park")	March 1, 2009
Mike McDowell (County of San Diego) (Replacing Mike Stepner, whose term expired) (Designated Vice-Chair)	March 1, 2008
Patti Roscoe (So. Mission Hills, District 2) (Replacing Darlene Gould Davies, whose term expired) (Balboa Park/Council District 3 nomination)	March 1, 2008
Vicki Granowitz (Southpark, District 3) (Reappointment) (Representing North Park Planning Committee)	March 1, 2009

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Paul Rucci
(Loma Portal, District 2)
(Reappointment)
(Balboa Park/Council District 3 nomination) March 1, 2009

Sungill Kim
(Normal Heights, District 3)
(Reappointment)
(Representing Balboa Park/Morley Field
Recreation Council) March 1, 2009

Laurie Burgett
(Golden Hill, District 3)
(Reappointment)
(Representing Golden Hill Planning Committee) March 1, 2009

Michael Singleton
(Mission Hills, District 2)
(Reappointment)
(Representing Uptown Planners) March 1, 2009

Donald Steele
(Clairemont, District 6)
(Reappointment)
(Balboa Park/Council District 3 nomination) March 1, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

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* ITEM-109: Reappointments to the Board of Library Commissioners.

(See memorandum from Mayor Sanders dated 4/26/2007.)

MAYOR SANDER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1069) ADOPTED AS RESOLUTION R-302626

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Board of Library Commissioners, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Judy McCarty (San Carlos, District 7) (Reappointments)	March 1, 2009
Mary Anne Baca Pinar (La Jolla, District 1) (Reappointment)	March 1, 2009
Katie Sullivan (Scripps Ranch, District 5) (Reappointment)	March 1, 2009

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

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* ITEM110: Reappointment of Delia H. Talamantez to the Civil Service Commission.

(See memorandum from Mayor Sanders dated April 13, 2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1046) ADOPTED AS RESOLUTION R-302627

Council confirmation of the following reappointment by the Mayor of the City of San Diego, to serve as a member of the Civil Service Commission, for a term ending as indicated:

NAME

TERM ENDING

Delia H. Talamantez
(Mission Hills, District 2)
(Reappointment)

January 9, 2012

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-111: Reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Sanders dated April 25, 2007.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1047) ADOPTED AS RESOLUTION R-302628

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Commission for Arts and Culture, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Tom DiZinno (Bankers Hill, District 2) (Reappointment)	August 31, 2008
Bennett Peji (Serra Mesa, District 6) (Reappointment)	August 31, 2008
Randy Robbins (Hillcrest, District 3) (Reappointment)	August 31, 2008

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-112: Dr. Joyce M. Gattas Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1041) ADOPTED AS RESOLUTION R-302629

Commending Dr. Joyce M. Gattas for her passionate commitment to the visual arts and congratulating her for being this year's recipient of the San Diego Art Institute/Museum of the Living Artist's 49th Annual International Award Exhibition;

Proclaiming April 28, 2007, to be "Dr. Joyce M. Gattas Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-113: Relay for Life Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1010) ADOPTED AS RESOLUTION R-302630

Proclaiming May 19, 2007 to be "Relay for Life Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

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- * ITEM-114: Excusing Council President Pro Tem Young from the Rules, Open Government and Intergovernmental Relations Committee Meeting of April 25, 2007.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1067) ADOPTED AS RESOLUTION R-302631

Excusing Council President Pro Tem Tony Young from attending the regularly scheduled Rules, Open Government and Intergovernmental Relations Committee meeting of April 25, 2007.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-115: Excusing Councilmember Maienschein from the City Council Meeting of April 17, 2007.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1064) ADOPTED AS RESOLUTION R-302632

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council meeting of April 17, 2007 due to illness.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-116: Excusing Councilmember Maienschein from the City Council Meeting of April 25, 2007.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1065) ADOPTED AS RESOLUTION R-302633

Excusing Councilmember Brian Maienschein from attending the regularly scheduled City Council meeting of April 25, 2007, due to a family medical emergency.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:46 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-330: Re-loan of City CDBG Funds to Redevelopment Agency.

(See Redevelopment Agency Report No. RA-07-14/RTC-07-075. Southeastern Community Area. Districts 4 and 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1073) ADOPTED AS RESOLUTION R-302634

Accepting a CDBG loan repayment from the Redevelopment Agency in the amount of \$800,000 from the Southcrest Redevelopment Project Area to the City CDBG Fund;

Accepting a CDBG loan repayment from the Redevelopment Agency in the amount of \$400,000 from the Central Imperial Redevelopment Project Area to the City CDBG Fund;

Authorizing the transfer of \$600,000 from the City CDBG funds to the Redevelopment Agency for the Gateway Center West Project Area as an interest bearing CDBG loan to provide funds for appropriate project expenses in the Fiscal Year 2008 Redevelopment Agency Budget;

Authorizing the transfer of \$200,000 from the City CDBG funds to the Redevelopment Agency for the Dells Imperial Study Area as an interest bearing CDBG loan to provide funds for appropriate project expenses in the Fiscal Year 2008 Redevelopment Agency Budget;

Authorizing the transfer of \$400,000 from the City CDBG funds to the Redevelopment Agency for the Southcrest Project Area as an interest bearing CDBG loan to provide funds for appropriate project expenses in the Fiscal Year 2008 Redevelopment Agency Budget;

Directing the City Auditor and Comptroller to record the aforementioned transfers from the City as interest bearing CDBG loans to the Redevelopment Agency to be repaid as soon as practicable from tax increment or other appropriate revenues, from the respective project areas;

Declaring that the activities set forth herein are not a "project" and are therefore exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The Redevelopment Agency's Fiscal Year 2008 combined budget is \$336.9 million. In addition, an estimated \$285.9 million in revenue is anticipated to carry over from the prior year for a total of \$622.9 million. The Agency's major source of revenue is tax increment, which is generated from the growth in the assessed value of properties within each project area. The Fiscal Year 2008 budget includes \$149.4 million in tax increment revenue.

FISCAL CONSIDERATIONS:

The Fiscal Year 2008 budget is \$336.9 million. The Agency anticipates \$285.9 million in carryover funds, for a total expenditure plan of \$622.9 million. Within the FY 2008 budget, \$124.3 million is allocated to capital projects, \$112.4 million is allocated to low and moderate income housing projects, \$19.6 million to administration, \$24.0 million allocated to tax-sharing agreements/requirements, and \$56.7 million is to be appropriated for debt service and loan repayments, and reserve requirements.

AGENCY CORPORATION ACTIONS:

On March 28, 2007, the CCDC Board unanimously approved the CCDC Fiscal Year Budget. On April 25, 2007, the SEDC Board unanimously approved the SEDC Fiscal Year 2008 Budget.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 21, 2007, the Centre City Advisory Committee ("CCAC") unanimously recommended approval of the CCDC Fiscal Year 2008. The City Redevelopment project area committees are provided budget updates and information at their regularly scheduled meeting.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents and businesses within and near the project areas of the Redevelopment Agency will benefit from the enhanced quality of life resulting from the investment of resources in projects, including public improvements.

Weinrick/Anderson/Waring

Staff: Scott Mercer – (619) 533-5429
Huston Carlyle – Chief Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of May 15, 2007, for a companion item.

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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:37 p.m. – 6:38 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-331: Approval of the Issuance of 2007 Tax Allocation Bonds, Notes or Loans in the Total Amount of \$42,000,000 to Finance and Refinance Portions of the Costs of Three Redevelopment Projects.

(See Southeastern Economic Development Corporation Report SEDC-07-004. Southeastern San Diego Community Area. Districts 4 and 8.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1075) CONTINUED TO TUESDAY, MAY 22, 2007

Approving the issuance and sale by the Redevelopment Agency of the City of San Diego of Tax Allocation Bonds, notes or loans in one or more series to finance and refinance portions of the costs of three Redevelopment Projects in the City of San Diego known as the Southcrest Redevelopment Project, the Central Imperial Redevelopment Project, and the Mount Hope Redevelopment Project; subordinating certain payments therefrom; and approving related matters.

NOTE: See the Redevelopment Agency Agenda of May 15, 2007, for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:03 p.m. – 2:06 p.m.)

MOTION BY YOUNG TO CONTINUE TO TUESDAY, MAY 22, 2007, FOR FURTHER REVIEW. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Centerpointe at Grantville.

Matter of approving, conditionally approving, modifying or denying an application for a Community Plan Amendment to redesignate the land use from Commercial and Industrial to Mixed-Use; a Rezone to rezone a portion of the property from the existing IL-3-1 and CC-4-2 zones to RM-3-9 and CO-1-1; a Site Development Permit for a Pedestrian Bridge over an on-site public alley; for affordable/in-fill housing with deviations from the development regulations of the underlying zone; and for development within the Community Plan Implementation Overlay Zone (CPIOZ) Type A that does not comply with the development standards in the applicable Community Plan; and a Vesting Tentative Map for condominium purposes.

The approximately 22.2-acre site covers an entire block, surrounded by Vandever Avenue to the north, Mission Gorge Road to the east, Twain Avenue to the south, and Fairmount Avenue to the west. The site is currently zoned IL-3-1 and CC-2-4 and is located within the Navajo Community Plan and the Community Plan Implementation Overlay Zone (Type A), within the Grantville Redevelopment Project Area and Council District 7. The requested approvals are to allow for the demolition of six existing service-commercial, industrial, and office buildings containing a total of approximately 180,630 square feet; the construction of seven new buildings, including 4 multi-family residential, 2 mixed-use multi-family residential and retail, and 1 mixed-use office, retail, and multi-family residential; the remodeling of one existing office building of approximately 54,800 square feet, to include new ground floor retail uses; the development of community recreation space, including approximately 55,000 square feet of common open space and approximately 2,800 linear feet of pathways; and construction of a pedestrian bridge over the onsite alley.

(Project No. 80450. Navajo Community Plan Area. District 7.)

(Continued from the meeting of March 20, 2007, Item 357, at the request of the City Attorney, for further review.)

NOTE: Hearing open. No testimony taken.

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, D, and E; and introduce the ordinance in Subitem C:

Subitem-A: (R-2007-800) ADOPTED AS RESOLUTION R-302635

Adoption of a Resolution certifying that Supplemental Environmental Impact Report (SEIR) No. 80450, which includes a Statement of Overriding Conditions and a Mitigation Monitoring and Reporting Program, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a site development permit, vesting tentative map, community plan amendment and rezone for the Centerpointe at Grantville project;

That the Council finds, except where otherwise stated in the Statement of Overriding Considerations, that project revisions together with the Mitigation Monitoring and Reporting Program, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference, avoid or substantially lessen potentially significant effects on the environment identified in the Initial Study and therefore that said Supplemental Environmental Impact Report, on file in the Office of the City Clerk and incorporated herein by reference is hereby approved;

That the Council finds that the measures for avoiding or substantially lessening potentially significant environmental effects as found in the Mitigation Monitoring and Reporting Program are fully enforceable through permit conditions, agreements or other measures;

That the City Council has considered other mitigation measures and project alternatives in the Supplemental Environmental Impact Report and finds specific economic, legal, social technological, or other considerations make infeasible these other mitigation measures or project alternatives;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Council finds there are significant environmental effects which are identified in the Supplemental Environmental Impact Report which are not avoided or substantially lessened as noted in the Statement of Overriding Considerations, a copy of which is attached hereto, as Exhibit B, and incorporated herein by reference;

That pursuant to California Public Resources Code Sections 21083 and CEQA Guidelines 15083, the City Council finds that it has balanced, as applicable, the economic, legal, social, technological, or other benefits of the proposed project against it as unavoidable environmental risks in approving this project;

That the City Council finds that the specific economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects, and therefore, the adverse environmental effects are considered acceptable as supported by the Statement of Overriding Considerations and substantial evidence in the record;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project and said NOD SHALL MENTION THE Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

Subitem-B: (R-2007-801) ADOPTED AS RESOLUTION R-302636

Adoption of a Resolution amending the Navajo Community Plan, attached hereto, a copy of which is on file in the Office of the City Clerk;

Amending the Progress Guide and General Plan for the City of San Diego solely to incorporate the above amended plan.

Subitem-C: (O-2007-102) INTRODUCED; TO BE ADOPTED ON
TUESDAY, JUNE 5, 2007

Introduction of an Ordinance of the Council of the City of San Diego changing approximately 13 acres, located within the block surrounded by Vandever Avenue, Fairmount Avenue, Twain Avenue, and Mission Gorge Road, within the Navajo Community Plan Area, in the City of San Diego, California, from the IL-3-1 and CC-4-2 Zones into the RM-3-9 and CO-1-1 Zones, as defined by San Diego Municipal Code Sections 131.0603 and 131.0507, and repealing Ordinance Numbers O-11590 and O-11587 (New Series), adopted May 8, 1975, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

Subitem-D: (R-2007-802) ADOPTED AS AMENDED AS RESOLUTION
R-302637

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Site Development Permit No. 270199;

That Site Development Permit No. 270199 is granted to Mission Corporate Industrial Center, L.P., a California Limited Partnership; Mission Corporate Center, L.L.C., a California Limited Liability Company; and Parma Property Company, Inc., a California Corporation Owners and Coastal Development Company, a California Corporation, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2007-803) ADOPTED AS RESOLUTION R-302638

Adoption of a Resolution certifying findings supported by the minutes, maps and exhibits, all of which are herein incorporated by reference with respect to Vesting Tentative map No. 251403;

That Vesting Tentative Map No. 251403 is granted to Coastal Development Company, Applicant/Subdivider and Nasland Engineering, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on January 11, 2007, voted 5-0-2 to recommend approval; no opposition.

Ayes: Griswold, Naslund, Schultz, Ontai, Otsuji

Recusing: Garcia

(one vacancy)

The Navajo Community Planning Group has recommended approval of this project.

STAFF SUPPORTING INFORMATION:**REQUESTED ACTION:**

Approval of a Community Plan Amendment for a 22.2-acre site and approval of a 12-acre mixed-use project that would provide approximately 588 multi-family dwelling units, including 10% (59) affordable units and 135,228 square feet of office and retail uses within the block bound by Vandever Avenue, Fairmount Avenue, Twain Avenue, and Mission Gorge Road in the Navajo Community Planning Area.

STAFF RECOMMENDATION:

Recommend that the City Council: Certify Supplemental Environmental Impact Report (No. 80450) to the Grantville Redevelopment Project Program Environmental Impact Report; Adopt the Statement of Overriding Considerations, and Adopt the Mitigation, Monitoring, and Reporting Program; Approve amendments to the Progress Guide and General Plan, and the Navajo Community Plan, No. 251399; Approve Rezone No. 251401; Approve Site Development Permit No. 270199; and Approve Vesting Tentative Map No. 251403.

EXECUTIVE SUMMARY:

The approximately 22.2-acre site covers an entire block, surrounded by Vandever Avenue to the north, Mission Gorge Road to the east, Twain Avenue to the south, and Fairmount Avenue to the west. The site is currently zoned IL-3-1, Light Industrial, and CC-4-2, Community Commercial, (proposed to be rezoned to RM-3-9 & CO-1-1) and is located within the Navajo Community Plan and the Community Plan Implementation Overlay Zone (Type A), within the Grantville Redevelopment Project Area and Council District 7 (See Attachment 2). The subject block is surrounded by commercial and light industrial uses to the north and south, across Vandever and Twain Avenues; by office and light industrial to the west, across Fairmount Avenue; and by

general commercial uses to the east, across Mission Gorge Road. More specifically, the project site is located within a land use environment of existing industrial and service commercial/fast food uses. Off-site properties consist of two-story office buildings on the west side of Fairmount Avenue; mostly one-story commercial and industrial buildings south of Twain Avenue and north of Vandever Avenue; and a strip retail center, fast food restaurants and automotive sales and services on the east side of Mission Gorge Road. Although the project site is within the Grantville Redevelopment Project Area, no assistance has been requested from the City's Redevelopment Agency at this time.

The Centerpointe at Grantville project would involve an amendment to the Navajo Community Plan for the entire block (approximately 22 acres) surrounded by Vandever Avenue, Fairmount Avenue, Twain Avenue, and Mission Gorge Road, and approval of a Rezone, Site Development Permit, and Vesting Tentative Map for the approximately 12-acre project site to allow a mixed-use development of 588 multi-family dwelling units, including 59 affordable units, and approximately 135,228 square feet of office, retail, and restaurant space.

One existing 54,800-square-foot four-story commercial building would be retained on the project site and five existing service commercial, industrial, and office buildings containing a total of approximately 180,630 square feet would be removed. Please see the Report to the Planning Commission Report (Attachment 4) for further detail.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: Not Applicable.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On January 11, 2007, the Planning Commission Recommended Approval of the Staff Recommendation by a unanimous vote of 5 to 0 with one recusal, with the addition of the following condition:

The Applicant shall implement the Conceptual Sustainability Plan Guidelines contained in Sheets A and B of Site Development Permit No 270199 by noting on project plans for each phase of any grading or building permit, the specific Elements of Sustainable Design and Energy Efficiency ("Elements") listed in Sheets A and B that will be implemented by the current phase of the project. Proposed Elements shall be described in writing and illustrated in plan view and detail for the current phase of development. Development Services Department staff shall review the plans and determine whether the proposed Elements adequately comply with the objectives of Sheets A and B and whether alternative methods could accomplish similar sustainable design and energy efficiency objectives.

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The majority of the discussion focused on transportation issues; more specifically, linkage to the Grantville Trolley Station. The Commission discussed the need for a city-lead, joint public private effort to establish a shuttle which would provide service from the greater Grantville area businesses, including the Kaiser Hospital and medical offices, to the Grantville Trolley Station.

On May 15, 2006, the Navajo Community Planning Group voted 9-5-1 to approve the project design and entitlement as proposed.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The owners are Mission Corporate Industrial Center L. P., a California Limited Partnership; Mission Corporate Center, LLC, a California Limited Liability Company; and Parma Property Company, Inc., a California Corporation, and applicant is Coastal Development Company, a California Corporation.

Waring/Escobar-Eck/DS

LEGAL DESCRIPTION:

The project site is contained within a city block bounded by Mission Gorge Road on the east, Twain Avenue on the south, Fairmount Avenue on the west, and Vandever Avenue on the north, within the Navajo Community Plan area, and in the Grantville Redevelopment area and is more particularly described as Lots 2 & 3 of Padre Center, Map No. 5147; and Parcels 1, 2, and 3, map No. 18793.)

Staff: Daniel Stricker – (619) 446-5251

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: Subitems A, B, D, and E – MEET; Subitem C - NONE

COUNCIL ACTION: (Time duration: 2:10 p.m. – 3:04 p.m.)

Testimony in opposition by Brian Peterson, Larry Barker, Alan Hunter, and Charles Little.

Testimony in favor by Jay Wexler and John Pilch.

MOTION BY MADAFFER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, AND E, AND INTRODUCE THE ORDINANCE IN SUBITEM C TO BE ADOPTED ON TUESDAY, JUNE 5, 2007; ALSO TO ADOPT THE RESOLUTION IN SUBITEM D AS AMENDED BY ADDING THAT AN AGREEMENT FOR INFRASTRUCTURE CONTRIBUTION WOULD BE PAYABLE ON THE ISSUANCE OF THE FIRST BUILDING PERMIT, STANDARD CONDITION ON "YES" VOTE FOR THE MAINTENANCE ASSESSMENT DISTRICT, AND ADDITIONAL LANGUAGE BY COUNCIL MEMBER MADAFFER REGARDING SUPPORT FOR A COMMUNITY SHUTTLE SYSTEM AS FOLLOWS: APPLICANT AGREES AS A CONDITION TO THE RECORDATION OF THE MAP AND ZONE CHANGES THAT THEY AND THEIR SUCCESSORS AND ASSIGNS AGREE TO PARTICIPATE IN AN ANTICIPATED INTRA-COMMUNITY SHUTTLE/TRANSPORTATION SYSTEM FOR GRANTVILLE (DESIGNED TO LINK KEY EMPLOYMENT AND HOUSING NODES WITHIN THE GRANTVILLE AREA). APPLICANT FURTHER AGREES THAT THEY AND THEIR SUCCESSORS AND ASSIGNS WILL VOTE IN THE AFFIRMATIVE FOR BOTH THE FORMATION AND SUBSEQUENT ASSESSMENT VOTE OF ANY "MAINTENANCE ASSESSMENT TYPE DISTRICT" THAT WOULD OR COULD BE USED TO MAINTAIN AND OPERATE AN INTRA-COMMUNITY SHUTTLE SYSTEM AND THEY FURTHER AGREE TO VOTE FOR BOTH THE FORMATION AND SUBSEQUENT ASSESSMENT VOTE OF ANY "MAINTENANCE ASSESSMENT TYPE DISTRICT" THAT WOULD OR COULD BE USED FOR ENHANCED LANDSCAPING, LIGHTING, AND OTHER PUBLIC IMPROVEMENTS WITHIN THE RIGHT-OF-WAYS OF THE GRANTVILLE COMMUNITY AREA (IF NOT ONE AND THE SAME FOR THE SHUTTLE SYSTEM). Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-S500: Accepting a CDBG Loan Repayment from the Redevelopment Agency of the City from the CCDC Project Area to the City CDBG Fund.

(See Report to the City Council No. RA-07-15/RTC-07-090 (Revised) and memorandum from Mayor Sanders dated 5/10/2007.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-1101) NOTED AND FILED

Accepting a CDBG loan repayment from the Redevelopment Agency in the amount of \$3,781,193 from the Centre City Redevelopment Project Area to the City CDBG Fund;

Authorizing and directing the City Auditor and Comptroller to record the aforementioned transfer to the City and to take any additional action, as needed, to implement the acceptance of said \$3,781,193, in accordance with the direction given herein;

Declaring that this activity is not a "project" and are therefore exempt from the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines Section 15060(c)(3).

SUPPORTING INFORMATION:

In Report to the City Council No. 07-085, dated May 2, 2007, City Planning and Community Investment (Department) set forth its funding recommendations for the FY 2008 Social Services Program. The report stated a current need to reduce thirteen of the nineteen programs by \$567,179, with a 5% reduction in funding to four of the programs, a 34% reduction in funding to seven of the programs, and a 100% reduction in funding to two of the programs.

On May 8, 2007, Item 332, "Fiscal Year 2008 Social Services Program," was heard before the City Council. At the hearing, the City Council passed the following motion made by Councilmember Frye: 1) to authorize the City Auditor and Comptroller to accept the funding appropriations from the City's CDBG entitlement grant, Emergency Shelter Grant, and the San Diego Housing Commission for the FY 2008 Social Services Program; 2) to direct the City Attorney and appropriate staff, to prepare an ordinance to have the Redevelopment Agency, specifically the Centre City Development Corporation (CCDC), to pay back to the City of San Diego the amount of \$2.183 million in CDBG funds previously borrowed by CCDC from the City, to be used toward the FY 2008 Social Services Program and other CDBG eligible projects; 3) to continue Item 332 for further discussion to May 15, 2007; and 4) to notice a separate item on the Supplemental Agenda for May 15, 2007, to discuss the repayment of CDBG funds by CCDC to the City for the above mentioned purpose.

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It appears that the intent of the City Council was to consider funding the FY 2008 Social Services Program with \$567,179 to ensure each of the nineteen programs are funded at FY 2007 levels, the larger repayment amount of \$3,781,193 (compared to the \$2.183 million originally requested by Council) is necessary. The \$3,781,193 is program income, as defined in 24 C.F.R. 570.500(a) since it is a payment of "principal and interest on loans made using CDBG funds." As such, the City, under 24 C.F.R. 570.201(e)(1), is limited to using only 15 percent of the \$3,781,193 (or \$567,179) for the FY 2008 Social Services Program.

In addition, Section 570.201(e)(1) requires that the City receive the \$3,781,193 during the current Fiscal Year (on or before June 30, 2007) to be able to use these funds for the FY 2008 Social Services Program. Accordingly the present action requests that the CCDC annual budget for FY 2007 be amended to include the payment of the \$3,781,193 to the City.

FISCAL CONSIDERATIONS:

Adoption of the resolutions will result in reallocation of \$3,781,193 within the Centre City Redevelopment Project Budget, and will transfer said amount to the City of San Diego to be placed in its CDBG fund for uses consistent therewith. If the City accepts the funds and proceeds to allocate them to CDBG eligible programs, the City will lose the interest on the funds that would have accrued if the transfer of funds had not occurred.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council direction, based upon the motion adopted at its May 8, 2007 meeting.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

Carlyle

NOTE: See the Redevelopment Agency Agenda of May 15, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:39 p.m. - 6:39 p.m.)

MOTION BY COMMON CONSENT TO NOTE AND FILE THIS ITEM. Passed by the following vote: Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S501: Fiscal Year 2008 Social Services Program.

(See Report to the City Council No. 07-085 and memorandums from Mayor Sanders dated 5/10/2007 and 5/2/2007. Citywide.)

(Continued from the meeting of May 8, 2007, Item 332, at the request of Councilmember Frye, for further discussion.)

NOTE: Testimony taken on Tuesday, May 8, 2007; public hearing for this item is closed.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1035) ADOPTED AS AMENDED AS RESOLUTION R-302639

Authorizing the City Auditor and Comptroller to accept the funding appropriations from the City's CDBG entitlement grant, Emergency Shelter Grant, and the San Diego Housing Commission for the FY 2008 Social Services Program, contingent upon adoption of the FY 2008 Appropriation Ordinance and certification of funds availability by the City Auditor and Comptroller;

Approving the funding recommendations for the FY 2008 Social Services Program, set forth in Report to the City Council No. 07-085, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or designee, to negotiate and execute agreements with those programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG, Emergency Shelter Grant, and San Diego Housing Commission funds for those programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

STAFF SUPPORTING INFORMATION:

The City has a long history of allocating funding to social service programs in two broad categories: (1) City initiated social service programs that are funded to address identified social needs (e.g. Homeless Emergency Shelter Program and Therapeutic Recreation Services); and (2) To support worthy social programs that were not City initiated, but provide benefits to City residents (e.g. Being Alive and Casa Familiar).

For decades under the City Manager form of government, the City Council – through various Council Representatives – initiated social service funding recommendations prior to bringing forward the adoption of the Social Services Program Budget to the City Council. This practice was last utilized in FY 2002. The City Council then directed the City Manager to develop a formal selection process that was successfully utilized in Fiscal Years 2003 through 2005. While the process established by the City in 2002 is still being used, since that time the program has experienced sharp reductions in funding that resulted in the elimination of the competitive process in Fiscal Year 2006. Subsequently, each year program staff has given the highest funding priority to “City-Initiated Programs”, before providing support to the other programs being considered. The fiscal reality of the Program is that funding has been decreasing each year. Overall program funding fell from a high of \$6.4 million in FY 2002 to a low of \$3.0 million in FY 2008. The steady decline of funding makes balancing a social service budget difficult as there is an abundance of worthy social programs serving City residents.

Fiscal Year 2008 federal funding has decreased by a modest \$8,324 from the current fiscal year. In addition, the San Diego Housing Commission, who has traditionally allocated \$445,000 for homeless shelter programs, will be unable to make this contribution toward the Homeless Emergency Shelter Program in the upcoming fiscal year. The loss of this funding results in the need to absorb the \$445,000 through the Social Service Program budget, which will significantly reduce the funding levels for the proposed programs. In addition to funding decreases, the Mayor’s funding proposal includes recommendations for the two City homeless shelter programs to receive 3% increases (\$38,855) to address the escalation of operational costs recognized in the current fiscal year. Also included in the increase is \$75,000 to purchase new tent skins to replace the aging and deteriorating skins that have been used for the winter shelter’s homeless program since 1998.

In summary, the reduction of federal funds (-\$8,324), the loss of Housing Commission homeless shelter funding (-\$445,000), the need to cover a one-time expense of \$75,000 to purchase new tent skins for the homeless shelters, and the need to increase the City homeless shelter programs by a combined \$38,855 results in a need to reduce remaining programs by \$567,179.

FISCAL CONSIDERATIONS:

There is no impact to the General Fund from this action. Funding for each program is available either from the City's CDBG entitlement grant, ESG, or the SDHC.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The application for federal entitlement grants (which includes the City's CDBG entitlement grant and ESG) is referred to as the Consolidated Plan. The Consolidated Planning process includes a community input process where staff presented the Plan and requested feedback from each community planning group that represents low and moderate income communities. Further, the process was brought before the Land Use and Housing City Council Committee and the San Diego Housing Commission for discussion. The City of San Diego did not issue a "Notice of Funding Availability" for FY 2008 Social Services Program funding due to reduced funding available.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities; community based organizations; community planning groups; and other community development organizations.

Kessler/Anderson

Staff: Ernie Linares - (619) 236-6719
Michael D. Neumeyer - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:39 p.m. – 6:40 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED BY ADDING THE FUNDING RECOMMENDATIONS FOR THE FISCAL YEAR 2008 SOCIAL SERVICES PROGRAM AS SET FORTH IN THE DOCUMENT SUBMITTED BY COUNCIL MEMBERS MADAFFER AND ATKINS ENTITLED "FISCAL YEAR 2008 SOCIAL SERVICES PROGRAM FUNDING RECOMMENDATIONS." Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:06 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:42 p.m. in honor of the memory of:

Frank Goldsmith as requested by Council Member Maienschein.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:40 p.m. - 6:42 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

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Unapproved

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MAY 21, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:03 p.m. Council President Peters recessed the meeting at 3:40 p.m. for the purpose of a break. Council President Pro Tem Young reconvened the meeting at 3:46 p.m. with Council President Peters and Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 6:41 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc)

FILE LOCATION: MINUTES

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ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Dr. Joseph Foxworth of Pilgrim Progressive Baptist Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by council Member Faulconer.

FILE LOCATION: MINUTES

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CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

CS-1 *Marcus Pless v. City of San Diego*
San Diego Superior Court, Case No. GIC 878818

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 22, 2007

DCA Assigned: M. Herrin

This matter involves a road traffic accident at the intersection of 5400 Napa Street and 5300 Gaines Street when a vehicle driven by City employee Randon Levitt, turned left when it was unsafe to do so and struck Plaintiff's vehicle. The City Attorney requests that the Mayor and City Council consider a possible settlement of the case in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:06 p.m. – 6:06 p.m.)

Council President Peters closed the hearing.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(c):

CS-2 **Hiring Tatro Tekosky Sadwick, LLP, as Outside Counsel**
Re Qualcomm Stadium Contamination

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 22, 2007

DCA Assigned: J. Serrano

Consideration of proposed litigation against Kinder Morgan Energy Partners and the hiring of Tatro Tekosky Sadwick, LLP, regarding contamination at Qualcomm Stadium.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:06 p.m. – 6:06 p.m.)

Council President Peters closed the hearing.

**Conference with Labor Negotiator, pursuant to Government Code
Section 54957.6:**

**CS-3 Conference with Labor Negotiator, pursuant to Government Code
Section 54957.6:**

**Agency negotiators: Elizabeth Morris and
Carrol Vaughan/Terry Whitesides
for the San Diego Housing Commission**

Employee Organizations: Social Services Union, Local 535, SEIU, AFL-CIO

REFERRED TO CLOSED SESSION OF TUESDAY, MAY 22, 2007

In closed session, the Housing Authority and its negotiators will review with the Authority its position with respect to the salary and fringe benefits of the represented employees, and request instructions from the Housing Authority as to those matters.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:06 p.m. – 6:06 p.m.)

Council President Peters closed the hearing.

ITEM-200: Authorization to Sell City-Owned Excess Real Estate.

(See Grubbs & Ellis report dated January 31, 2007; Real Estate Asset Department PowerPoint dated January 31, 2007. Real Estate Assets' April 25, 2007 PowerPoint; Report to the City Council No. 07-035 and Report to the City Council No. 07-093 not available at the Committee.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2007-1107 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302640

Authorizing the Mayor, or his designee, to sell certain excess City property located at 1250 6th Avenue either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-B: (R-2007-1108 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302641

Authorizing the Mayor, or his designee, to sell certain excess City property located at 303 A Street either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-C: (R-2007-1109 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302642

Authorizing the Mayor, or his designee, to sell certain excess City property located at 801 Nautilus Street either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales;

authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-D: (R-2007-1110 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302643

Authorizing the Mayor, or his designee, to sell certain excess City property located at 5690 Genoa Drive either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-E: (R-2007-1111) RETURNED TO MAYOR

Authorizing the Mayor, or his designee, to sell certain excess City property located at 7021 Fay Avenue either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-F: (R-2007-1112 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302644

Authorizing the Mayor, or his designee, to sell certain excess City property located at 6216 Beaumont Avenue either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-G: (R-2007-1113 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302645

Authorizing the Mayor, or his designee, to sell certain excess City property located at 904 33rd Street either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-H: (R-2007-1114 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302646

Authorizing the Mayor, or his designee, to sell certain excess City property located at 505 West Maple Street either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-I: (R-2007-1115 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302647

Authorizing the Mayor, or his designee, to sell certain excess City property located at 500 block of Otsego Drive either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-J: (R-2007-1116 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302648

Authorizing the Mayor, or his designee, to sell certain excess City property located at 327 Langley Street either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case;

authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-K: (R-2007-1117 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302649

Authorizing the Mayor, or his designee, to sell certain excess City property located in the 4200 block of Camino Del Rio South either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-L: (R-2007-1118 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302650

Authorizing the Mayor, or his designee, to sell certain excess City property located at 9514 Towne Center Drive either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-M: (R-2007-1119 Rev) ADOPTED AS AMENDED AS
RESOLUTION R-302651

Authorizing the Mayor, or his designee, to sell certain excess City property located in the 1300 block of Morena Boulevard either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-N: (R-2007-1120 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302652

Authorizing the Mayor, or his designee, to sell certain excess City property located in the 5700 block of Camiones Way either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-O: (R-2007-1121 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302653

Authorizing the Mayor, or his designee, to sell certain excess City property located at the southeast corner of Jamacha Road and Cardiff Street either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-P: (R-2007-1122 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302654

Authorizing the Mayor, or his designee, to sell certain excess City property located in the 5600 block of Kearny Mesa Road either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-Q: (R-2007-1123) RETURNED TO MAYOR

Authorizing the Mayor, or his designee, to sell certain excess City property located in the 1300 block of West Morena Boulevard either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage

Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-R: (R-2007-1124 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302655

Authorizing the Mayor, or his designee, to sell certain excess City property located at 4850 Pacific Highway either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

Subitem-S: (R-2007-1125 Rev.) ADOPTED AS AMENDED AS
RESOLUTION R-302656

Authorizing the Mayor, or his designee, to sell certain excess City property located at 5353 Kearny Villa Road either by negotiation, public auction, sealed bid, or any combination of such methods, at the Mayor's discretion in each case; authorizing the Mayor to enter into agreements to consummate such sales; authorizing the payment of Real Estate Brokerage Commissions related to such sales; and authorizing the City Auditor and Comptroller to accept and deposit the proceeds of such sales.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/7/2007, LU&H voted 4 to 0 to direct the Real Estate Assets Department to return to the Land Use and Housing Committee later this year with changes to the City Lease Policies, and refer Council Policy 700-10, to the Independent Budget Analyst and the Land Use and Housing Committee consultant for review and updates. (Councilmembers Atkins, Young, Madaffer, and Hueso voted yea..)

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS
COMMITTEE'S RECOMMENDATION:**

On 4/25/2007, Rules received report, no vote taken.

SUPPORTING INFORMATION:

As part of an overall portfolio management plan for the City's Real Estate Assets, the Mayor's staff is reviewing the City's property inventory to determine which properties are no longer needed and whose disposition will provide a greater public benefit. A City owned property may be designated for disposition if:

- The property is not currently used by a City department or supports a municipal function.
- The property is vacant and has no foreseeable use by the City.
- The property is a non-performing or under-performing asset and greater value can be generated by its sale.

Nineteen properties that have been analyzed and determined by the Mayor's staff to be excess to City needs and would best serve the City and its citizens if they were sold*. The attached Property Information Summary Packages that contains all pertinent information about each property including its value as determined by a current appraisal and the reason for recommending its sale.

FISCAL CONSIDERATIONS:

All proceeds from the sale of the properties, net of costs related to their sale, will be deposited in the Capital Outlay Fund as per City Charter Article VII unless otherwise noted in the summary sheet for the individual property. The total proceeds from these sales are estimated to be in excess of \$35 million dollars.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The proposed method for the sale of City properties was presented as an information item to the Land Use and Housing Committee on February 7, 2007, and to Rules and Open Government Committee on April 25, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The key stakeholders would be the City of San Diego which will benefit by: receipt of the sale proceeds; relief from future liability and maintenance expenses associated with the ownership of these properties; and additional property taxes from the return of these properties to the tax roles.

Barwick/Waring

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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:05 p.m. – 3:30 p.m.)

MOTION BY COMMON CONSENT TO RETURN SUBITEM E AND SUBITEM Q TO THE MAYOR. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY ATKINS TO ADOPT THE RESOLUTIONS IN SUBITEMS A, B, C, D, F, G, H, I, J, K, L, M, N, O, P, R, AND S AS AMENDED TO APPLY A SIX PERCENT CAP TO THE BROKERAGE FEES. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-201: MWWD Business Process Re-Engineering.

(See Report to the City Council No. 07-077 Rev. Citywide.)

STAFF'S RECOMMENDATION:

Take the following actions:

(R-2007-1174) ADOPTED AS RESOLUTION R-302657

Accepting the recommendations of the Metropolitan Wastewater Department Business Process Reengineering (BPR) Study which will be incorporated into the FY 2008 Proposed Budget;

Directing the City Attorney to prepare the appropriate resolutions in accordance with Charter Section 40.

STAFF SUPPORTING INFORMATION:

The Mayor of the City of San Diego launched a Business Process Reengineering (BPR) initiative to improve the efficiency of services provided by the City of San Diego. This initiative involves reengineering processes and the investigation of benchmarks and best management practices as the basis for City departments to develop their Most Efficient Organization (MEO). To support the Mayor's BPR initiative, and as part of its planned continual improvement efforts, the

Metropolitan Wastewater Department (MWWD) conducted a comprehensive BPR study from June 10, 2006 through December 15, 2006. This significant study was designed to incorporate the concepts of the Public Contract Operations (Bid to Goal) optimization strategy.

MWWD pioneered and implemented the Bid to Goal optimization strategy 10 years ago to adapt the most appropriate aspects of private sector utility operations to the public sector. The strategy has been nationally recognized as a significant advancement in optimizing government organizations by systematically assessing and improving business practices and operations to attain benchmarked service levels, including budgets, to deliver those services at levels competitive with private market providers as appropriate (that is, exclusive of inherently governmental functions). For this study, the scope of previous efforts was expanded to include support functions, as well as to update operational and maintenance benchmarks to account for advances in best industry practices and technology, and changes in the competitive marketplace. As in past Bid to Goal efforts, MWWD strongly values employee participation and continues to partner with the Labor Organizations (MEA and AFSCME Local 127). Both Labor Organizations spoke at the official MWWD Bid to Goal BPR Kickoff Meeting and were consulted concerning membership of the divisional BPR Teams.

These teams held numerous monthly meetings across the Department and conducted detailed analyses of MWWD's business processes. Summary meetings with MEA and Local 127 leadership were held monthly to review the status of the BPR, solicit Labor Organization input, answer questions about the project, and discuss any anticipated barriers to progress. Throughout, employee input from all organizational levels was vital to the significant process efficiencies identified.

Utilizing this hybrid process incorporating the Bid to Goal strategy, MWWD conducted the largest BPR in the City to date. Six Divisional BPR Teams were chartered to investigate relevant process benchmarks and to study reengineering opportunities for work processes and organizational structures required to accomplish MWWD's mission. Analyses were then combined to assure appropriate organizational synergies and eliminate any redundancies or tendencies for organizational "siloing."

The resulting MWWD MEO was based on innovative ideas from multiple sources including research of industry benchmarks and best practices, peer utility agency reviews, industry expert assessments, and internal staff analysis of processes to streamline and maximize efficiency and effectiveness. The MEO meets the private market operating budget analyzed by a third party industry expert. The purpose of this analysis is to establish a budget level competitive with private service providers to ensure the MEO developed is as efficient as possible. The specified service levels and the private market budget analysis were reviewed by the partnering Labor Organizations, the operations subcommittee of the Public Utilities Advisory Commission (PUAC), and approved by the PUAC.

Meet and Confer on the impacts of the MEO implementation on MWWD commenced on 2/13/2007 with both Labor Organizations participating fully. The major changes that will be implemented include a reorganization of the department with support functions consolidated into a single division and the Stormwater Pollution Prevention Division becoming part of the General Services Department, streamlining of many specific processes to improve effectiveness and efficiency, and modifications to shifts and schedules to decrease overtime and improve efficiencies.

The initial BPR effort recommended the elimination of 188.3 positions. Through reclassification, a number of existing positions and 30.5 of the positions initially proposed for elimination will be converted into classifications which more appropriately support the effective functioning of MWWD's MEO. These reclassifications result in a net total of 157.8 positions proposed for elimination. It is anticipated that City residents (Sewer Ratepayers) will experience no adverse impact to service levels.

FISCAL CONSIDERATIONS:

A cost avoidance of approximately \$110 million will be attained as MWWD meets its MEO Budget Objectives set for the next five years.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The specified service levels and the private market budget analysis were reviewed by the partnering Labor Organizations (MEA and Local 127), and the Public Utilities Advisory Committee which approved them in public forum.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The impacts of attaining the MEO have been appropriately covered with the San Diego Municipal Employees Association (MEA) and AFSCME Local 127 in the Meet and Confer process.

It is anticipated that City residents (Sewer Ratepayers) will experience no adverse impact to service levels.

Bertch/Jarrell

Staff: Margaret Wyatt - (858) 292-6467

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:49 p.m. – 4:22 p.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-202: Fleet Services Business Process Reengineering Final Report.

(See Report to the City Council No. 07-080 Rev. Citywide.)

STAFF'S RECOMMENDATION:

Take the following actions:

(R-2007-1173) ADOPTED AS RESOLUTION R-302658

Accepting the Report from the Mayor on the Fleet Services Business Process
Reengineering Project;

Directing the City Attorney to prepare the appropriate resolutions in accordance
with Charter Section 40.

Staff: Daro Quiring - (619) 527-7560

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:23 p.m. – 5:11 p.m.)

MOTION BY HUESO TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-not present, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Hueso-yea.

ITEM-203: Business Process Re-engineering Information Reports.

(See Reports to City Council No. 07-081 Rev., 07-079 Rev., and 07-078 Rev.)

MAYOR SANDER'S RECOMMENDATION:

Informational Reports only for the following:

- Street Division Business Process Reengineering Final Report
- Engineering Business Process Reengineering Final Report
- Publishing Services Business Process Reengineering Final Report

HEARING HELD AND TRAILED TO TUESDAY, MAY 22, 2007

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:11 p.m. – 6:05 p.m.)

ITEM-204: Discussion of the Mayor's Proposed FY 2008 Budget.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Allow for City Council discussions and budget deliberations on the Mayor's Proposed FY 2008 Budget.

HEARING HELD

SUPPORTING INFORMATION

No requested Council action with this item. This item is to allow for City Council discussions and deliberations on the Mayor's FY 2008 Proposed Budget, which will be voted on at a later date.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:07 p.m. – 6:24 p.m.)

ITEM-250: Notice of Pending Final Map Approval – 5040 Santa Monica Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “5040 Santa Monica Avenue” (T.M. No. 353533/PTS No. 107650), located on the north side of Santa Monica Avenue between Abbott Street and Bacon Street in the Ocean Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-251: Notice of Pending Final Map Approval - Parkview.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Parkview” (T.M. No. 187564/PTS No. 109083), located on the east side of Kearny Villa Road south of Aero Drive in the Kearny Mesa Community Plan Area in Council District 6, a copy of which is available for public viewing at the

Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

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ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:41 p.m. in honor of the memory of:

Thomas N. Fat as requested by Council Member Faulconer; and
Patricia Jones Smith as requested by Council Member Frye.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 6:37 p.m. – 6:41 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego

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UNAPPROVED

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 22, 2007
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:00 a.m. Council President Peters recessed the meeting at 11:06 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:12 a.m. with all Council Members present. The meeting was recessed by Council President Peters at 11:58 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:06 p.m. with all Council Members present and thereafter the Redevelopment Agency. Council President Peters reconvened the meeting at 2:09 p.m. with all Council Members present. Council President Peters recessed the meeting at 2:12 p.m. to reconvene the Redevelopment Agency and thereafter the regular meeting with all Council Members present. Council President Peters recessed the meeting at 4:09 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:15 p.m. with all Council Members present. Council President Peters recessed the meeting at 4:16 p.m. to reconvene the Redevelopment Agency and thereafter the Housing Authority. Council President Peters reconvened the meeting at 4:50 p.m. with all Council Members present. The meeting was adjourned by Council President Peters at 4:50 p.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

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(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (mz/sr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-not present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on prayer and the flag salute.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. -10:29 a.m.)

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PUBLIC COMMENT-2:

Hud Collins commented on the pension and financial crisis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:32 a.m.)

PUBLIC COMMENT-3:

Verne Gammon commented on the homeless situation in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. - 10:35 a.m.)

PUBLIC COMMENT-4:

Joy Sunyata commented on public speaking in Council meetings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:38 a.m.)

PUBLIC COMMENT-5:

John Leek commented on scientific polls regarding the Children's Pool.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:41 a.m.)

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PUBLIC COMMENT-6:

Jarvis Ross commented on the Naval Training Center and airport land use.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:44 a.m.)

PUBLIC COMMENT-7:

Marvin Winters commented on storm water.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:47 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on Council actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:51 a.m.)

PUBLIC COMMENT-9:

Phil Hart commented on redevelopment processes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:54 a.m.)

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PUBLIC COMMENT-10:

Chris Christensen commented on condominium conversions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:57 a.m.)

PUBLIC COMMENT-11:

Steve Bruce commented on yearly summits for children and on "thecount.org" website.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. - 11:00 a.m.)

PUBLIC COMMENT-12:

Joseph Braverman commented on volunteers in social services.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. - 11:03 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced in place of the Natural Resources and Culture Committee meeting, the Budget and Finance Committee meeting will be held on Wednesday, May 23rd at 2:00 p.m. on the 12th floor in the City Council Committee room.

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:03 a.m. - 11:04 a.m.)

COUNCIL COMMENT-2:

Council President Peters announced San Diego's multi-block Ballpark District as being one of the winners of the Urban Land Institute's annual award for excellence and Market Creek Plaza as being one of the finalists for the award.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:04 a.m. - 11:06 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

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ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

APPROVED

03/26/2007
03/27/2007
04/02/2007 – Adjourned
04/03/2007 – Adjourned
04/09/2007 – Special Meeting
04/09/2007
04/10/2007
04/16/2007
04/17/2007

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:00 a.m. - 10:00 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-31: Emergency Medical Services Week.

**MAYOR SANDERS' AND COUNCILMEMBER MAIENSCHIN'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-925) ADOPTED AS RESOLUTION R-302659

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Recognizing the value and the accomplishments of San Diego Medical Services Enterprise as the emergency medical services provider for the citizens of San Diego;

Proclaiming May 20-26, 2007, to be "Emergency Medical Services Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:01 a.m. - 10:03 a.m.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: Sharren L. Carr Day.

COUNCIL PRESIDENT PETER'S AND COUNCILMEMBER ATKINS'
RECOMMENDATION:

Adopt the following resolution:

(R-2007-1052) ADOPTED AS RESOLUTION R-302660

Commending Sharren L. Carr for her passionate commitment to Neighborhood Code enforcement and thanking her for her dedication to the City of San Diego;

Proclaiming May 22, 2007, to be "Sharren L. Carr Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. - 10:16 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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ITEM-33: Honoring the 2007 Class of Exemplary Students Inducted into the 4th Council District Walls of Excellence.

COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1077) ADOPTED AS RESOLUTION R-302661

Proclaiming May 22, 2007, to be "Walls of Excellence Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:24 a.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-50: Second Amendment to Agreement with the San Diego Community College District (SDCCD) for the Mira Mesa Recreational Complex.

(Mira Mesa Community Area. District 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/8/2007 Item 60, Subitem A. (Council voted 8-0):

(O-2007-71) ADOPTED AS ORDINANCE O-19621 (New Series)

Authorizing the Mayor, or his representative, to execute, for and on behalf of the City of San Diego, the Second Amendment to Agreement between the City of San Diego and the San Diego Community College District (SDCCD) to reimburse the SDCCD for the construction of three parking areas to be constructed by the SDCCD as part of the Hourglass Field House - Parking Areas, a joint use project in the Mira Mesa Community;

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Stating for the record that this is not a Project, and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

NOTE: 6 votes required.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-51: Tourism Marketing District Procedural Ordinance.

(See Independent Budget Analyst Report No. 07-47. Citywide.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/8/2007, Item S500. (Council voted 6-1. Councilmember Frye voted nay. Councilmember Hueso not present):

(O-2007-101 Cor. Copy 2) ADOPTED AS ORDINANCE
O-19622 (New Series)

Amending Chapter 6, Article 1, of the San Diego Municipal Code by adding Division 25, titled San Diego Tourism Marketing District Procedural Ordinance, and adding Sections 61.2501, 61.2502, 61.2503, 61.2504, 61.2505, 61.2506, 61.2507, 61.2508, 61.2509, 61.2510, 61.2511, 61.2512, 61.2513, 61.2514, 61.2515, 61.2516, 61.2517, 61.2518, 61.2519, 61.2520, 61.2521, 61.2522, 61.2523, 61.2524, 61.2525, 61.2526, and 61.2527, all relating to Procedures for Establishing a Tourism Marketing District.

NOTE: This item is not subject to Mayor's veto.

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FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:12 a.m. - 11:23 a.m.)

MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

* ITEM-52: First Amendment to Agreement with Actuarial Service Company, P.C.

(See Independent Budget Analyst Report No. 07-6 and memorandum from Jay M. Goldstone dated 5/1/2007.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced, as amended, on 4/30/2007, Item 202. (Council voted 5-3. Council President Pro Tem Young, Councilmembers Maienschein, and Hueso voted nays.):

(O-2007-129 Rev.) ADOPTED AS ORDINANCE O-19623 (New Series)

Amending Ordinance No. O-19522 (New Series) entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by authorizing the City Auditor and Comptroller to appropriate and to transfer up to \$690,000 from the City's General Fund Unallocated Reserve to the General Fund, Department 601, to pay for actuarial services rendered by Actuarial Service Company, P.C. in connection with evaluation of the actuarial soundness of the City's Retirement System.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-nay.

- * ITEM-100: Agreement with Diamond Contractors, LLC for the Chollas Creek Water Quality Protection and Habitat Enhancement Project.

(Southeastern San Diego Community Area. District 4.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1096) ADOPTED AS RESOLUTION R-302662

Authorizing the Mayor, or his designee, to execute an agreement with Diamond Contractors, LLC, a subsidiary of Jacobs Center for Neighborhood Innovation, for the joint funding and construction of the Chollas Creek Water Quality Protection & Habitat Enhancement Project Improvements (Agreement), to be performed by a licensed contractor to be retained by Diamond Contractors, LLC;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$69,500 from 100/General Fund to Fund 630221, Contribution from 100/General Fund;

Authorizing an increase of \$69,500 in the Fiscal Year 2007 Capital Improvement Program Budget in CIP-32-054.0, Chollas Creek Enhancement Project, Fund 630221, Contribution from 100/General Fund;

Authorizing the expenditure of an amount not to exceed \$1,565,500, solely and exclusively, for the purpose of providing funds for the above Agreement, consisting of the previously authorized funds of \$1,396,000 from Prop 13 State Grant CIP Fund 30244, CIP-32-054.0, Chollas Creek Enhancement, \$100,000

from Sewer Fund 41506, CIP-40-933.0, Annual Allocation, MWWDD Trunk Sewers and \$69,500 from CIP-32-054.0, Chollas Creek Enhancement Project, 630221 Fund, Contribution from 100/General Fund, provided the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to execute a General Utility, Public Access and Drainage Easements and an Agreement for Trail Maintenance and Covenant Running with the Land with Youth Park, LLC, a California Limited Liability Company; and a Public Access and Drainage Easements and an Agreement for Trail Maintenance and Covenant Running with the Land with MBJ Partners, LLC, a California Limited Liability Company;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is covered under Mitigated Negative Declaration No. 59312, adopted February 23, 2006, by Resolution No. R-301240. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. As the prior environmental document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The City of San Diego received a \$2,244,000 State Proposition 13 grant for improvements to Chollas Creek and related water quality education and monitoring (RR-299303, June 7, 2004). The project would help address the requirements of the Regional Water Quality Control Board's Municipal Storm Water Permit, and implement a portion of the Chollas Creek Enhancement Program adopted by City Council on May 14, 2002. Project components include: removal of concrete sections of the channel and widening of the creek bed; creation of native riparian habitat; creation of a public trail and benches; and installation of educational signage. Improvements are designed to alleviate flooding, reduce erosion and channel maintenance needs, improve community character by creating a natural linear park-like setting, and improve water quality. Work would occur on private and City property.

In May 2006, the City completed a public advertisement of the Project's construction contract, and the lowest bid received (\$2,092,276) exceeded the City's funding available for the project (\$1,565,500) by \$526,776 (see Fiscal Considerations section below for an explanation of available funding).

Diamond Contractors, LLC, of the Jacobs Center for Neighborhood Innovation, a California Non-Profit (hereafter referred to as "Jacobs Foundation"), later approached the City and offered to construct the project according to the plans and specifications, and accept the responsibility for paying for any costs beyond the City's available funding. The City would execute an agreement with the Jacobs Foundation via a sole source procurement (see attached Sole Source Certification Memo).

The project improvements are located on private and City property. The project would require establishment of a total of four set asides on the City-owned portion of the project site, including: one set aside for public access to the trail alignment, one set aside for drainage maintenance access, and two set asides for sewer maintenance access. The project would also require execution of general utility, public access, and drainage easements on the privately-owned portions of the project site to allow for sewer maintenance access, public access to the trail alignment, and access for creek/storm drain channel maintenance, respectively. Finally, the project would require execution of two Agreements for Trail Maintenance and Covenants Running with the Land with the private property owners, who have agreed to maintain the trail, landscaping, signage and other improvements within both the Public Access Easement area on the privately-owned portion of the project site, and the public access Set Aside area on City-owned portion of the project site.

FISCAL CONSIDERATIONS:

The original total estimated cost of this project, including contingency, was \$1,690,000. \$1,690,000 was previously approved by Council Resolution No. R-301239, adopted February 23, 2006, from the following sources: \$1,396,000 in State Proposition 13 grant funding from Fund 30244, CIP-32-054.0; \$144,000 in State Proposition 46 Grant funding from Fund 38336, CIP-37-446.0; and, \$150,000 from Sewer Fund 41506, CIP-40-933.0 Annual Allocation - MWWD Trunk Sewers. \$1,565,500 is now available for this project from the following sources: \$1,396,000 in State Proposition 13 grant funding from Fund 30244, CIP-32-054.0; \$100,000 from Sewer Fund 41506, CIP-40-933.0 Annual Allocation - MWWD Trunk Sewers; and, \$69,500 from the General Services Department, Storm Water Pollution Prevention Division Fiscal Year 2007 Operating Budget, Fund 100.

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In addition, the Jacobs Foundation has agreed to construct the project according to the plans and specifications, and accept the responsibility for paying any costs beyond the City's available funding (\$1,565,500).

The Jacobs foundation has also agreed to accept the responsibility for permanent maintenance of the public trail, landscaping, signage and other improvements within both the Public Access Easement area on the privately-owned portion of the project site, and the public access set aside area on City-owned portion of the project site.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 21, 2006, City Council approved the plans and specifications for the Project, authorized the Mayor to expend an amount not to exceed \$1,690,000, and certified Mitigated Negative Declaration No. 59312, dated June 16, 2005 (R-301239, R-301240, February 23, 2006).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The project has been reviewed and supported in concept by the Encanto Neighborhoods Community Planning Group. In addition to attending two Encanto Neighborhoods Community Planning Group meetings, City staff also held two community workshops, and gathered input at a total of four Euclid-Market Action Team and Coalition for Neighborhood Councils community group meetings.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Grant partners: San Diego Coastkeeper, the Environmental Health Coalition, and Cities of Lemon Grove, La Mesa (RR-299303, June 7, 2004). Construction contractors: Diamond Contractors, LLC, Snypes-Dye, Cats Excavating, Incorporated.

Sierra/Haas

Aud. Cert. 2700740.

Staff: Chris Zirkle - (619) 525-8644
Raymond C. Palmucci - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-101: Mission Beach Park Security Camera System.

(Mission Beach Community Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1049) ADOPTED AS RESOLUTION R-302663

Authorizing the Mayor, or designee, for and on behalf of the City, to make an application to the State of California for an additional \$35,000 (for a total of \$80,000, \$45,000, (Fund No. 38252) of which was authorized by Resolution No. R-302334, adopted on February 14, 2007), in Roberti-Z'berg-Harris Per Capita or Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, for the purchase and installation of a monitored security camera system at Mission Beach Park;

Authorizing the Mayor, or designee, to take all necessary actions to secure funds from the State of California for the Mission Beach Park Security Camera System;

Authorizing the City Auditor and Comptroller, to accept, appropriate and expend \$35,000 (for a total of \$80,000, \$45,000, (Fund No. 38252), of which was authorized by Resolution No. R-302334, adopted on February 14, 2007), if grant funding is secured;

Authorizing the City Auditor and Comptroller to appropriate and expend the additional \$35,000, (for a total of \$80,000, \$45,000, (Fund No. 38252), of which was authorized by Resolution R-302334, adopted on February 14, 2007), of 2002 Resources Bond Roberti-Z'berg-Harris Per Capita or Per Capita funding, from the Mission Beach Park Security Camera System grant, for the purchase and installation of a monitored security camera system at Mission Beach Park, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Existing Facilities.

STAFF SUPPORTING INFORMATION:

As a result of recent high profile criminal activity in the Mission Beach and Mission Bay areas, the Mayor and Council District 2 have been working with concerned community residents to identify safety enhancing features for the parks and public areas in the neighborhood. A monitored security camera system would be beneficial.

In addition to the use of \$80,000 in park bond funds allocated to Council District 2, the San Diego Police Foundation will donate \$30,000 directly to the vendor handling the camera system, Dotworkz Pro Shop, which reflect funds received from generous community donations specified for this project.

To date, the Park and Recreation Department has secured \$45,000 in grant funding for this project. This action authorizes the Mayor, or his representative, to apply for an additional \$35,000 for a total of \$80,000, of 2002 Resources Bond Roberti-Z'berg-Harris Per Capita or Per Capita funding, a portion of the 2002 Resources Bond Per Capita funding which has been allocated to Council District 2. These funds, along with the direct payment of \$30,000 by the Police Foundation to Dotworkz Pro Shop, will be used to install monitored security cameras in Mission Beach (Belmont) Park.

The installation of a security camera system on park property in Mission Beach will provide video security as a police force multiplier to reduce crime in the community of Mission Beach. The cameras will remotely monitor the Mission Beach (Belmont) Park and surrounding parking areas. This video tool will enhance the police response, aid in the apprehension of violators, permit historical research to locate and arrest violators and likely reduce crime in the surrounding area.

FISCAL CONSIDERATIONS:

Funding for installation of the cameras is fully identified:

- Total 2002 Resources Bond Funding: \$80,000
- Donation from Police Foundation: \$30,000
- Total Estimated Cost of Camera System: \$110,000

The donation funding provided by the Police Foundation of \$30,000 will be paid directly to the Sole Source approved (#1403) vendor, Dotworkz Pro Shop, as approved by Purchasing Agent, Tammy Rimes on October 6, 2006. The remaining \$80,000 will be paid from 2002 Resources Bond funding.

Monitoring will be conducted as a collateral duty by the regularly scheduled telephone support unit at the Police Department's Northern Division Area Station, and will not require additional annual funding. Maintenance of the equipment will be absorbed within the Police Department's annual maintenance budget, requiring no additional budget allocation.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond). On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita/RZH Per Capita funds to each Council District, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

Council Action authorizing the application, acceptance, appropriation and expenditure of State grant funds in the amount of \$45,000 for the Mission Beach Park Security Camera System in the Mission Beach Park area, Resolution Number R-302334, adopted on February 14, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Mayor and Councilmember Faulconer have worked closely with the Mission Beach community to identify solutions to criminal activities in the Mission Beach Park area. This project is the result of a united effort to provide increased security in the area. The following community groups have been involved in the process:

Mission Beach Town Council
Mission Beach Neighborhood Watch.

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KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Mission Beach Town Council

Mission Beach Neighborhood Watch.

LoMedico/Reynolds

Staff: Barbara Chipps - (619) 533-6518

Shannon Thomas - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-102: Recreation Easement Vacation in Del Mar Mesa Estates Unit No. 2, Map No. 14081.

(Del Mar Mesa Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1029) ADOPTED AS RESOLUTION R-302664

Vacating the recreation easement located within Lots 11, 13, and 14 of Del Mar Estates Unit No. 2, Map No. 14081, as more particularly described in the legal description marked as Exhibit "A", and shown on Drawing No. 20469-1-B, marked as Exhibit "B";

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

STAFF SUPPORTING INFORMATION:

This project is located in the Del Mar Mesa Community Plan area north of and parallel to Del Mar Mesa Road. The recreation easement being vacated is shown on Engineering Drawing No. 20469-1-B. It was granted and dedicated at no cost to the City on the final map Del Mar Mesa Estates Unit No. 2 Map No. 14081 for the purpose of an equestrian trail as specified in the Del Mar Mesa Specific Plan and as a condition of the Tentative Map. The southwesterly terminus is located at a dangerous road crossing near the curve of Del Mar Mesa Road and has been deemed to be inconsistent with the best interest of the community and the Specific Plan. The existing easement has been replaced within Lot 14 with a pedestrian and non-motor vehicle right-of-way easement of approximately equal value per Document No. 2006-0820587 recorded November 17, 2006 as shown on Engineering Drawing No. 20469-2-B. There is no present or prospective public use of the existing easement in its present location that can be anticipated.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Del Mar Mesa Community Planning Group is in favor of this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Douglas A. Brown and Lorna L. Mildice:

Broughton/Waring

Staff: Gerri Bollenbach - (619) 446-5417
Roopal Shah - Deputy City Attorney

FILE LOCATION: DEED F-

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-103: Amending the 2007 Legislative Calendar related to Meetings of the Budget Review Committee and Natural Resources and Culture Committee on May 23, 2007.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2007-1095) ADOPTED AS RESOLUTION R-302665

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2007 through December 31, 2007, to add a meeting of the Budget Review Committee on May 23, 2007, at 2:00 p.m., and to adjourn the meeting of the Committee on Natural Resources and Culture currently scheduled at that date and time;

Directing the City Clerk to post and publish, as necessary, the notice of such meetings with the date, time, and location thereof and make necessary preparations and arrangements therefore.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: San Diego Fire-Rescue Day.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER MAIENSCHIN'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1045) ADOPTED AS RESOLUTION R-302666

Commending the San Diego Fire-Rescue Foundation for its commitment and dedication in assisting those that make the ultimate sacrifice to save lives;

Proclaiming March 15, 2007, to be "San Diego Fire-Rescue Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: Terry Dimattio Day.

COUNCILMEMBER FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-1063) ADOPTED AS RESOLUTION R-302667

Offering its most sincere gratitude and proclaiming June 2, 2007, to be "Terry Dimattio Day" in the City of San Diego.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-106: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-860) ADOPTED AS RESOLUTION R-302668

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L – State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:27 a.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

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ITEM-107: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2007-877) ADOPTED AS RESOLUTION R-302669

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L – State of Emergency Due to Severe Shortage of Affordable Housing in the city of San Diego

COUNCIL ACTION: (Time duration: 11:32 a.m. - 11:37 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-203: Business Process Re-engineering Information Reports.

(See Reports to City Council No. 07-081 Rev., 07-079 Rev., and 07-078 Rev.)

MAYOR SANDER'S RECOMMENDATION:

HEARING HELD

Informational Reports only for the following:

- Street Division Business Process Reengineering Final Report
- Engineering Business Process Reengineering Final Report
- Publishing Services Business Process Reengineering Final Report

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:38 a.m. - 11:57 a.m.)

ITEM-330: Proposed Final Consent Decree in San Diego Baykeeper/Surfrider v. City and USA v. City.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2007-134) INTRODUCED, TO BE ADOPTED ON
TUESDAY, JUNE 5, 2007

Introduction of an Ordinance authorizing the Mayor, or his representative, to execute, for and on behalf of the City, the proposed Final Consent Decree, in final settlement of litigation entitled United States v. City of San Diego (Case No. 03-CV-1349K) and San Diego Baykeeper, et al. v. City of San Diego (Case No. 01-CV-0550B).

Authorizing the expenditure of an amount not to exceed \$20,000 from Sewer Fund 41506, solely and exclusively, for plaintiffs attorney's fees and costs, based on invoices to be submitted to, and approved by, the City Attorney's Office.

Declaring that this activity and those required by the proposed Final Consent Decree are either not "projects" pursuant to Section 15060(c)(3) of the State CEQA Guidelines; categorically exempt from CEQA pursuant to Sections 15301(b) and 15302(c) of the State CEQA Guidelines as maintenance, repair, or replacement of existing sewer facilities; addressed in Environmental Impact Report Project No. 6020, Canyon Sewer Cleaning Program and Long-Term Sewer Maintenance Program, Mitigated Negative Declaration Project No. 63654, Citywide Pipeline Projects, or other environmental document; or will be subject to environmental review once the activity is identified with sufficient specificity to allow for such review, pursuant to Section 15004 of the State CEQA Guidelines which provides direction to lead agencies on the appropriate timing for environmental review.

SUPPORTING INFORMATION:

On March 29, 2001, San Diego Baykeeper and Surfrider Foundation filed Case No. 01-CV-0550-B against the City of San Diego in Federal Court alleging repeated violations of the Clean Water Act due to sewer system overflows.

On July 3, 2003, the State of California (Regional Water Quality Control Board) filed a similar action against the City of San Diego in Case No. 03-CV-1381-B. The United States of America (Environmental Protection Agency) also filed a similar action on July 9, 2003, in Case No. 03-CV-1349-K. The cases were consolidated into one proceeding on September 3, 2003.

On April 26, 2004, the Mayor and City Council approved a final settlement with the State of California in Resolution No. R-300023. The proposed Final Consent Decree presented here will settle the lawsuits filed by San Diego Baykeeper, Surfrider Foundation, and the Environmental Protection Agency. The City is currently operating under a Second Partial Consent Decree approved by the parties and the Court, which expires on June 30, 2007.

The proposed Final Consent Decree would require the City to continue to take steps to reduce sewage spills. Requirements include upgrades and repairs to 27 sewer pump stations and 250 miles of sewer pipe, including 17 trunk sewers. In addition, the City will be required to clean at least 1,500 miles of sewer pipe each year. The estimated cost of complying with the proposed Final Consent Decree is \$108 million per year in capital costs, plus an additional \$46.5 million per year in operation and maintenance costs, through Fiscal Year 2013.

The City has been taking the steps necessary to position itself to comply with the proposed Final Consent Decree. On February 26, 2007, the City Council adopted Resolution R-302378, which increased sewer rates by 8.75% in each of Fiscal Years 2007 and 2008, and by 7% in each of Fiscal Years 2009 and 2010, to fund the obligations imposed by the proposed Final Consent Decree. On April 9, 2007, the City Council adopted Resolution R-302501, which approved short-term financing for the Metropolitan Wastewater Department to provide additional funding for the proposed Final Consent Decree.

Upon entry of the proposed Final Consent Decree, San Diego Baykeeper/Surfrider will be entitled to its outstanding attorney's fees and costs. To date, the City has paid \$419,923.44 in plaintiffs attorney's fees and costs. Plaintiffs estimate that by the time the proposed Final Consent Decree is entered, it will have less than \$20,000 in attorney's fees and costs outstanding. This action will authorize payment of those fees and costs, upon review and approval by the City Attorney's Office.

FISCAL CONSIDERATIONS:

Plaintiffs attorney's fees not to exceed \$20,000 are available in the Sewer Revenue Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

First Partial Consent Decree approved by City Council on April 5, 2005 in Closed Session.
Second Partial Consent Decree approved by City Council on June 16, 2006 by Resolution No. R-301520.

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COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

San Diego Baykeeper/Surfrider

Zeleny/Haas

Aud. Cert. 2700725.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:24 a.m. - 11:31 a.m.)

MOTION BY FAULCONER TO INTRODUCE. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-recused, Madaffer-yea, Hueso-yea.

ITEM-331: Installation of Streetlights - San Ysidro.

(San Ysidro Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-662) ADOPTED AS RESOLUTION R-302670

Finding and determining that the installation of streetlights within the San Ysidro Redevelopment Project Area, for which the Agency proposes to contribute funding and that the improvements consistent with the implementation plan adopted pursuant to Section 33490, and is of benefit to the Project Area; that no other reasonable means of financing the improvements is available to the community; that payment of funds for the costs of the improvements will assist in the elimination of one or more blighting conditions inside the Project Area, as more particularly described in Attachment 1;

Authorizing the Mayor, or designee, to accept up to \$300,000 from San Ysidro Redevelopment Funds from the Agency for the purpose of the installation of streetlights within the San Ysidro Redevelopment Project Area;

Approving a \$300,000 increase in Fiscal Year 2007 Capital Improvements Program budget CIP-52-293.0, Fund 10269;

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301(c).

STAFF SUPPORTING INFORMATION:

The requested actions will allow for the installation, replacement, and/or repair of various cobra streetlights within the San Ysidro Redevelopment Project Area. Approximately 50 to 60 new streetlights may be installed in the community by summer 2008, with a total project cost of up to \$300,000 (see Attachment 1 - Project Budget). The new streetlights will remove blight and create a safe, walkable environment for San Ysidro residents, visitors, and merchants, and help generate economic vitality for this small border community.

San Ysidro has a deficient inventory of streetlights which has contributed to the existence of blight and unsafe lighting conditions within the community. Agency staff has worked with community representatives and the Office of Council District 8 to identify areas in San Ysidro that are in need of new streetlights. After touring the community and developing an inventory of streetlights, it was determined that specific business and residential sectors require new streetlights. The following are general target areas for new streetlights in San Ysidro: East San Ysidro Boulevard, West Olive Drive, Border Village Road, Beyer Boulevard, Bolton Hall Road, Sunset Lane, Smythe Avenue, Alverson Road, Virginia Avenue, West Park Avenue and Seward Avenue (see Attachment 2 – Project Map).

Finally, pursuant to California Community Redevelopment Law (CCRL) Section 33445, the Agency is legally authorized to pay for the installation of public improvements if special findings can be made by the Agency. Attachment 3 - Special Findings provides the necessary findings to satisfy the requirements under CCRL Section 33445.

FISCAL CONSIDERATIONS:

The total estimated project cost is \$300,000 - to be funded by San Ysidro tax increment.

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PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None with this action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

1. Numerous meetings with San Ysidro Business Association (SYBA) for identification of streetlight deficiencies.
2. San Ysidro Planning and Development Group - Vote in favor of this item on February 20, 2007.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

None with this action.

Weinrick/Anderson

Staff: Robert Chavez - (619) 533-5368
Carol A. Leone - Deputy City Attorney

NOTE: See the Redevelopment Agency agenda of May 22, 2007, for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:11 p.m. - 2:12 p.m.)

MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-332: Revisions to Council Policy 600-24 Titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups".

(See Reports to the City Council No. 06-155; 07-092 (not available at the Committee); and Darcy Ashley's comparison chart. Citywide.)

TODAY'S ACTION IS:

Take the following actions:

(R-2007-1139) ADOPTED AS AMENDED AS RESOLUTION R-302671

Amending Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups", including a standardized bylaws shell.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 10/25/2006, LU&H voted 4 to 0 to refer to the City Council amendments to Council Policy 600-24 to reference the bylaws shell with its standardized provisions, and to include an additional section which allows a process for Community Planning Groups to apply for variances, with the right to appeal to the Land Use and Housing Committee. (Councilmembers Faulconer, Atkins, Madaffer, and Hueso voted yea.)

SUPPORTING INFORMATION:

Revisions to Council Policy 600-24 are proposed to reflect input received from the Land Use and Housing Committee (LU&H), address the applicability of the Brown Act and make other clarifying changes.

On October 25, 2006, LU&H considered a report from the City Planning & Community Investment Department (CPCI) on the recognized community planning group bylaw update process. The primary discussion centered on whether bylaws should be standardized among planning groups and how planning groups could deviate from the bylaw shell. By a 4-0 vote, LU&H voted to refer revisions to Council Policy 600-24 to the City Council including a reference to the bylaws shell with its standardized provisions and direction to include a process for planning groups to apply for variances with the right to appeal to LU&H. Two days following LU&H, the City Attorney issued a Memorandum of Law opining that recognized community planning groups are subject to California's Open Meeting Law, the Ralph M. Brown Act because they are legislative bodies created by the City Council.

Following the LU&H meeting and receipt of the Memorandum of Law, CPCI began working with the Attorney's Office on draft revisions to Council Policy 600-24 and the bylaws shell to reflect changes discussed at LU&H and the applicability of the Brown Act. In addition, other minor changes were made to reorganize the Policy and shell for clarity and reflect the new strong Mayor form of governance.

Draft changes to Council Policy 600-24 and the bylaws shell were provided to CPC in March and April 2007. At their April 24, 2007 meeting, CPC reviewed the proposed changes and provided staff with comments and suggested changes. As a result, staff has incorporated many of the suggested changes into the Council Policy and bylaws shell. Changes were provided to the City Attorney's Office on May 1, 2007 for review. However, final Attorney comments were not received as of the date this report was written.

Upon adoption of an amended Council Policy 600-24 and standardized bylaws shell, staff will begin working with recognized community planning groups on revisions to their bylaws. In addition, part time administrative staff will be utilized to assist planning groups with reporting requirements under the Brown Act.

FISCAL CONSIDERATIONS:

Costs associated with providing assistance to all recognized community planning groups to revise their bylaws to come into compliance with the amended Council Policy 600-24 provisions will be managed as part of the CPCI work program, with possible delay to other program elements. Part time administrative staff will be utilized for ongoing administrative support of the planning groups to reduce the budgetary impacts of the new requirements.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On October 25, 2006, the Land Use and Housing Committee voted 4-0 to refer revisions to Council Policy 600-24 to the City Council to reference the bylaws shell with its standardized provisions, and to include a process for community planning groups to apply for variances with the right to appeal to LU&H.

On October 17, 2005, the City Council voted to adopt Resolution R-300940 to amend Council Policy 600-24 and direct that planning group bylaws be amended to reflect the revised Council Policy by April of 2007.

COMMUNITY PARTICIPATION and PUBLIC OUTREACH EFFORTS:

City staff worked closely with community planning groups and the CPC on revisions to Council Policy 600-24 that were approved in October of 2005. Proposed revisions to incorporate LU&H direction, the Brown Act and other changes were given to the CPC on March 27, 2007 and April 24, 2007. Staff discussed the proposed changes with CPC at their April 24, 2007 meeting. As a result, staff agreed to make many of the changes to the Council Policy and bylaws shell suggested by CPC.

KEY STAKEHOLDERS and PROJECTED IMPACTS:

Key stakeholders in this effort are existing and prospective community planning group members who will work on and operate under revised community planning group bylaws. In addition, the revisions will positively affect City departments, project applicants and the general public who interact with community planning groups by providing more standardized operating procedures.

Anderson/Waring

FILE LOCATION:

MEET

COUNCIL ACTION:

(Time duration: 2:12 p.m. - 2:27 p.m.
2:28 p.m. - 4:09 p.m.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE THE FOLLOWING: 1) COUNCIL SHALL HEAR ALL DEVIATIONS REQUESTED BY PLANNING GROUPS ON OR BEFORE NOVEMBER 20, 2007; 2) DEVELOP A PROCESS FOR ONGOING AMENDMENTS WITH THE CITY ATTORNEY AND COMMUNITY PLANNERS COMMITTEE; 3) AMEND THE LANGUAGE IN ARTICLE 9, SECTION 3(A), FIRST PARAGRAPH, BY CHANGING THE WORD "SHALL" TO "MAY" BEFORE THE WORDS "CONDUCT INVESTIGATION;" 4) CHANGE THE VOTING PROCEDURE TO FOLLOW ROLL CALL VOTE AND REFLECT THE NAMES FOR AND AGAINST WHEN A VOTE IS NOT UNANIMOUS. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-333: Tucker Self-Storage.

Matter of approving, conditionally approving, modifying or denying an application to Rezone the property from the RS-1-1, IH-2-1 and IP-2-1 zones to the IL-2-1 zone; Public Right-of Way Vacation, and Site Development Permit to construct a 120,183-square foot self storage facility on a 3.35-acre site located at 9765 Clairemont Mesa Boulevard in the Tierrasanta Community Plan area.

(MND/SDP No. 205536//R-O-W No. 231224/RZ No. 231223/Project No. 67993. Tierrasanta Community Plan Area. District 7.)

(Continued from the meeting of April 23, 2007, at the request of Councilmember Madaffer, for further review.)

NOTE: Hearing open. No testimony taken on April 23, 2007.

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, C, and D; and introduce the ordinance in Subitem B:

Subitem-A: (R-2007-930) CONTINUED TO TUESDAY, JULY 17, 2007

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 67993, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone, public right-of-way vacation, and site development permit for the Tucker Self-Storage Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the Office of the City Clerk and incorporated by reference, is approved;

That pursuant to California Public Resource Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (O-2007-121) CONTINUED TO TUESDAY, JULY 17, 2007

Introduction of an Ordinance of the Council of the City of San Diego changing 3.35 acres located at 9765 Clairemont Mesa Boulevard, in the Tierrasanta Community Plan Area, in the City of San Diego, California, from the RS-1-1 (Residential-Single Unit), IP-2-1 (Industrial-Park), and IH-2-1 (Industrial-Heavy) Zones into the IL-2-1 (Industrial-Light) Zone, as defined by San Diego Municipal Code Section 131.0603, and repealing Ordinance No. O-16187 (New Series), adopted April 2, 1984, of Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-C: (R-2007-931) CONTINUED TO TUESDAY, JULY 17, 2007

Adoption of a Resolution certifying findings supported by minutes, maps and exhibits, all of which are incorporated herein by this reference with respect to Site Development Permit No. 205536;

That Site Development Permit No. 205536 is granted to the City of San Diego, Owner/Andy Krutzsch, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-D: (R-2007-932) CONTINUED TO TUESDAY, JULY 17, 2007

Adoption of a Resolution certifying that the public right-of-way easement in connection with Site Development Permit No. 205536, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20397-B, marked as Exhibit "B," and on file in the Office of the City Clerk, which are by this reference incorporated herein and made a part hereof, is ordered vacated;

That said street vacation is conditioned upon the recordation of a two parcel, Parcel Map. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of not further force or effect;

That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

OTHER RECOMMENDATIONS:

Planning Commission on February 15, 2007, voted 6-0-1 to recommend approval; was opposition.

Ayes: Naslund, Ontai, Schultz, Garcia, Griswold, Otsuji
(One vacancy)

On August 16, 2006, the Tierrasanta Community Council and Planning Group considered the project and voted 8-8-0. This tie vote resulted in no official action by the community planning group.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

Approval of a Rezone, Site Development Permit and Public Right-of-Way Vacation to construct three self storage buildings totaling 120,183-square feet on a 3.35-acre site at 9765 Clairemont Mesa Boulevard in the Tierrasanta Community Plan area.

STAFF RECOMMENDATIONS:

1. CERTIFY Mitigated Negative Declaration No. 67993 and ADOPT the Mitigation, Monitoring and Reporting Program;
2. APPROVE Rezone No. 231223;
3. APPROVE Public Right of Way Vacation No. 231224; and
4. APPROVE Site Development Permit No. 205536.

EXECUTIVE SUMMARY:

The proposed 3.35-acre vacant site is located east of Interstate 15 and south of Clairemont Mesa Boulevard, with military property to the north, commercial uses to the south and open space to the east within the Tierrasanta Community Plan area.

The project entails a 55-year ground lease with the City of San Diego pursuant to the Settlement Agreement in the case of TRP LIMITED V. CITY OF SAN DIEGO, ET AL, AND SCC No. 578191, approved by City Council Resolution No. 274804 on December 4, 1989. The settlement agreement allows Mr. Krutzsch, in exchange for relinquishing any claim of title to the disputed property, to lease the property for a commercial or industrial development.

This self storage project proposes two three-story buildings and one four-story building. Each building includes an office, lobby, and reception area on the first floor. Fifteen parking spaces and two loading spaces will be provided on-site.

The Tierrasanta Community Plan does not designate a specific land use to the site, however, the Industrial Element of the plan states that approximately three developable acres may be added to the existing six-acre, "industrial" designated site to the south of the project site, after the Interstate 15 interchange has been completed and Clairemont Mesa Boulevard has been aligned. Both right-of-way facilities have been completed, therefore, the proposal meets the intent of the Industrial Element of the community plan. In addition to this project's location adjacent to the freeway and existing industrial development, the proposed project would be buffered from multi-family residential development to the east by an existing open space easement. The project also would incorporate a mix of varying building materials and landscape screening that would serve to break up the bulk and mass of the proposed structures. Faux windows are located along the north elevation of the eastern most structure of the project, closest to Clairemont Mesa Boulevard. Varying roof lines and staggered setbacks would also be incorporated to further articulate the building façade along Clairemont Mesa Boulevard. Through these project features the objectives of the community plan to protect surrounding uses from visual impacts and visual appearance through aesthetic improvements and urban design will be implemented.

The project requires a rezone from RS-1-1, IH-2-1 and IP-2-1 to the IL-2-1 zone. The IL-2-1 zone allows for light industrial uses. The Public Right-of Way Vacation is for property which was formerly part of an Interstate 15 off-ramp and is no longer needed for public use. A Site Development Permit is required due to impacts to Environmentally Sensitive Lands. Approximately 2.36-acres of Coastal sage scrub habitat and 0.53-acres of Non-native Grassland will be impacted by the proposed project.

FISCAL CONSIDERATIONS:

This project emanated from a quiet title action in the case of TRP Limited v. City of San Diego, et al., SCC 578191, filed in 1986 over a dispute between the City of San Diego and Mr. Krutzsch as to the ownership of the subject property. The settlement agreement allows Mr. Krutzsch to ground lease the property for a commercial or industrial development.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

See fiscal considerations statement above.

PLANNING COMMISSION ACTION:

On February 15, 2007, the Planning Commission voted 6-0-1 to approve the project as proposed with the following recommendations: signage is to be located only in the areas and no larger than shown in the applicant's photo simulation; use a more native planting around the retaining walls and overall use native vegetation comparable to the open space.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 16, 2006, the Tierrasanta Community Council and Planning Group voted 8:8:0, a tie vote. A tie vote of the planning group results in no official action. As summarized in their minutes, the project was supported because, it presented the least possible impacts in terms of traffic, noise and light that would exist were any other type of project planned. The false windows, granite facing and roof-top parapet makes the project look more like an office building than a typical self storage facility. Opposition to the project centered on visual impacts, rezoning and the use at the location.

KEY STAKEHOLDERS:

Andy Krutzsch, Applicant

Waring/Escobar-Eck/PG

LEGAL DESCRIPTION:

The site is in the RS-1-1, IP-2-1, IH-2-1 and the Airport Environs Overlay Zones, within the Tierrasanta Community Plan area. The project entails a 55-year ground lease of the property pursuant to the Settlement Agreement in the case of TRP LIMITED V. CITY OF SAN DIEGO, ET AL, SCC No. 578191, approved by City Council Resolution No. 274804 on December 4, 1989. The project site is more particularly described as Parcel A and B of Lot 2, of Map No. 825.

Staff: Patricia Grabski – (619) 446-5277
Shirley Edwards – Chief Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:27 p.m. - 2:27 p.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, JULY 17, 2007, FOR FURTHER REVIEW. Second by Faulconer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: Stebbins Residence.

Matter of the appeal by Randy Berkman and Landry Watson, of the Planning Commission's decision in approving an application for a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the demolition of an existing one-story duplex, and the construction of a new 1,749 square-foot, three-story single family residence above a 816 square-foot basement garage on a 2,500 square-foot site and to allow for deviation from the regulations for Special Flood Hazard Areas, to permit development of the residential structure at 7.1 feet below the Base Flood Elevation where two(2) feet above the Base Flood Elevation is required. The property is located at 5166 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Floodplain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LPL).

(See Report to the City Council No. 07-091/Mitigated Negative Declaration No. 51076/Coastal Development Permit (CDP) No. 147134/Site Development Permit (SDP) No. 389939/Project No. 51076. Ocean Beach Community Area. District 2.)

STAFF'S RECOMMENDATION:

Take the following actions:

Subitem-A: (R-2007-) CONTINUED TO TUESDAY, JUNE 19, 2007

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by the Planning Commission certifying Mitigated Negative Declaration (MND) No. 51076, and adopting Mitigation Monitoring and Reporting Program (MMRP);

Certifying that the information contained in Mitigated Negative Declaration No. 51076, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City of San Diego City Council;

That the City of San Diego City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Negative Declaration is hereby approved;

That pursuant to California Public Resource Code, Section 21081.6, the City of San Diego City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-B: (R-2007-) CONTINUED TO TUESDAY, JUNE 19, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Coastal Development Permit (CDP) No. 147134, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

Subitem-C: (R-2007-) CONTINUED TO TUESDAY, JUNE 19, 2007

Adoption of a Resolution granting or denying the appeal and granting or denying Site Development Permit (SDP) No. 389939, with appropriate findings to support Council action;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

OTHER RECOMMENDATIONS:

Planning Commission on March 1, 2007, voted 6-0-1 to approve; with opposition.

Ayes: Schultz, Garcia, Griswold, Ontai, Otsuji, Naslund
(One vacancy)

The Ocean Beach Community Planning Group has been notified of this project and has not taken a position.

STAFF SUPPORTING INFORMATION:

REQUESTED ACTION:

This is an appeal of the Planning Commission's decision to approve a Coastal Development Permit (CDP), and Site Development Permit (SDP) to allow the demolition of an existing duplex, and the construction of a new three-story single family residence above a basement garage, including a deviation from the regulations for Special Flood Hazard Areas.

STAFF RECOMMENDATION:

DENY the appeal and APPROVE Coastal Development Permit No. 147134, and Site Development Permit No. 389939, and CERTIFY Mitigated Negative Declaration No. 51076, and ADOPT the Mitigation, Monitoring, and Reporting Program.

EXECUTIVE SUMMARY

The project is located at 5166 West Point Loma Boulevard within the Ocean Beach Precise Plan. The issue before the City Council is the appeal of the Planning Commission's decision to allow the demolition of a one-story duplex, and the construction of a new three-story single-family residence above a basement garage, and allow for a deviation from the regulations for Special Flood Hazard Areas. The project site is within the 100-year floodplain and is therefore considered environmentally sensitive land.

The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

In addition, the following environmental issues were considered in depth during the environmental review of the project and determined NOT to be potentially significant: Geology, Visual Effects/Public Views, Historical Resources (Architecture), Air Quality/Public Safety, and Neighborhood Character, however, no significant impacts were identified.

The requested deviation is to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation where two (2) feet above the Base Flood Elevation is required.

Staff believes that MND No. 51076 adequately addresses the project's potential impacts, and that implementation of the MMRP would avoid or reduce such impacts to below a level of significance.

An appeal of the Planning Commission's decision was filed asserting factual error, conflict with other matters, and findings not supported, new information, and city-wide significance (Attachment 13). Staff has provided a response to each issue and continues to support the project.

FISCAL CONSIDERATIONS:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 8, 2007, the Planning Commission requested a continuance of the subject project to a date certain of March 1, 2007, to address specific issues related to flood-proofing of the proposed structure.

The applicant responded to these issues at the March 1, 2007, Planning Commission hearing, resulting in unanimous approval by the Planning Commission.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Ocean Beach Planning Board met on July 5, 2006. There were two motions presented concerning this property and neither one passed.

The first motion was to approve the project as presented. The motion failed by a vote of 4-4-0.

The subsequent motion was to deny the project as presented due to the bulk and scale. This motion also failed by a vote of 4-4-0.

Various board members noted that the new residence would represent a significant improvement over the existing duplex, and would improve the character of the general neighborhood. In addition, the change from a duplex to a single family residence would reduce density in the area.

Various board members noted concerns about the height of the project, and that other properties on the block might be re-developed to similar heights, altering the character of the neighborhood. Their concern is that subsequent development might create a corridor of tall buildings on the block. The suggestion was to restrict the project to two stories.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

David Stebbins, Owner/Applicant

Waring/Escobar-Eck/LI

000211

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LEGAL DESCRIPTION:

The project site is Lot 14 of Block 90, of Ocean Bay Beach map No. 1189.

Staff: Laila Iskandar – (619) 446-5297

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:09 p.m. - 2:11 p.m.)

Testimony in opposition to the continuance by Louis Wolfsheimer.

MOTION BY FAULCONER TO CONTINUE TO TUESDAY, JUNE 19, 2007, FOR FURTHER REVIEW BY THE CITY ATTORNEY'S OFFICE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S500: Pursuant to the San Diego Municipal Code Section 22.0710, the City Auditor and Comptroller's Office is Requesting a Hearing on the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending June 30, 2003.

(See Report to the City Council 07-065 and City of San Diego's Fiscal Year 2003 Comprehensive Annual Financial Report.)

(Continued from the meetings of April 23, 2007, Item 202, May 7, 2007, Item 201, and May 14, 2007, Item S400, last continued at the request of Councilmember Faulconer, for further review.)

CITY AUDITOR AND COMPTROLLER'S RECOMMENDATION:

Take the following actions:

(R-2007-) CONTINUED TO TUESDAY, JUNE 5, 2007

Receiving and filing the Fiscal Year 2003 City's Comprehensive Annual Financial Report (CAFR);

Directing the City Attorney to prepare the appropriate resolution in accordance with Charter Section 40.

SUPPORTING INFORMATION:

Consistent with the remedial recommendation contained in the Report of the Audit Committee of the City of San Diego (Kroll Report) dated August 8, 2006, staff has provided numerous drafts of the CAFR to the City Council for their review and comment prior to the April 16, 2007 City Council meeting where this document will be discussed. At this meeting staff is recommending that it be received by the City Council as final. This document has been approved by the City's Disclosure Practices Working Group (DPWG) and the certificate of approval has been attached to this agenda item.

The public may obtain a copy of the City's 2003 CAFR on the City website at no charge.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
October 16, 2006 Council Meeting.

Levin/Goldstone

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:25 a.m.)

MOTION BY FAULCONER TO CONTINUE THIS ITEM TO TUESDAY, JUNE 5, 2007, FOR KPMG TO BE PRESENT. Second by Madaffer Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-S501: Approval of the Issuance of 2007 Tax Allocation Bonds, Notes or Loans in the Total Amount of \$42,000,000 to Finance and Refinance Portions of the Costs of Three Redevelopment Projects.

(See Southeastern Economic Development Corporation Report SEDC-07-004 and Independent Budget Analyst Report No. 07-51. Southeastern San Diego Community Area. Districts 4 and 8.)

(Continued from the meeting of May 15, 2007, Item 331, at the request of Council President Pro Tem Young, for further review.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-1075) CONTINUED TO TUESDAY, JUNE 12, 2007

Approving the issuance and sale by the Redevelopment Agency of the City of San Diego of Tax Allocation Bonds, notes or loans in one or more series to finance and refinance portions of the costs of three Redevelopment Projects in the City of San Diego known as the Southcrest Redevelopment Project, the Central Imperial Redevelopment Project, and the Mount Hope Redevelopment Project; subordinating certain payments therefrom; and approving related matters.

NOTE: See the Redevelopment Agency Agenda of May 22, 2007, for a companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:08 p.m. - 2:09 p.m.)

MOTION BY HUESO TO CONTINUE TO TUESDAY, JUNE 12, 2007, FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

REPORT OUT OF CLOSED SESSION:

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/closedsess.shtml>

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:24 a.m. - 10:24 a.m.)

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 4:50 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 4:50 p.m.)

Elizabeth S. Maland, City Clerk
City of San Diego